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Regulations

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 403—1941 WHEAT CROP INSURANCE REGULATIONS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended, the 1941 Wheat Crop Insurance Regulations are amended as follows:

Section 403.64 of the 1941 Wheat Crop Insurance Regulations is amended by deleting the semicolon at the end of item 1 thereof, inserting a comma, and adding the following provision:

* * * unless the Corporation determines that all or part of such threshed wheat was unmerchantable, in which case the amount to be included in the total production representing the unmerchantable wheat may be determined by appraisal;

(Secs. 506 (a), 516 (b); 52 Stat. 73, 77, 7 U.S.C. 1940 ed., 1506 (e), 1516 (b))

Adopted by the Board of Directors on December 22, 1942.

[SEAL] M. CLIFFORD TOWNSEND,
Chairman.

Approved: February 17, 1943.

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-2699; Filed, February 18, 1943; 11:50 a. m.]

PART 404—1942 WHEAT CROP INSURANCE REGULATIONS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended, the 1942 Wheat Crop Insurance Regulations[1] are amended as follows:

Section 404.64 of the 1942 Wheat Crop Insurance Regulations is amended by deleting the semicolon at the end of item 1 thereof, inserting a comma, and adding the following provision:

* * * unless the Corporation determines that all or part of such threshed wheat was unmerchantable, in which case the amount to be included in the total production representing the unmerchantable wheat may be determined by appraisal;

(Secs. 506 (e), 516 (b); 52 Stat. 73, 77, 7 U.S.C. 1940 ed., 1506 (e), 1516 (b))

Adopted by the Board of Directors on December 22, 1942.

[SEAL] M. CLIFFORD TOWNSEND,
Chairman.

Approved: February 17, 1943.

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-2700; Filed, February 18, 1943; 11:50 a. m.]

PART 405—1943 WHEAT CROP INSURANCE REGULATIONS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended, the 1943 Wheat Crop Insurance Regulations (7 F.R. 4811) are amended as follows:

Section 405.12 of the 1943 Wheat Crop Insurance Regulations is amended by deleting the semicolon at the end of item 1 thereof, inserting a comma, and adding the following provision:

* * * unless the Corporation determines that all or part of such threshed wheat was unmerchantable, in which case the amount to be included in the total production representing the unmerchantable wheat may be determined by appraisal;

[1] 6 F.R. 3513; 7 F.R. 1746, 4399, 4470, 6179.

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FEDERAL REGISTER

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(Secs. 506 (e), 516 (b); 52 Stat. 73, 77 7 U.S.C. 1940 ed., 1506 (e), 1516 (b))

Adopted by the Board of Directors on December 22, 1942.

[SEAL] M. CLIFFORD TOWNSEND, *Chairman.*

Approved: February 17, 1943.

GROVER B. HILL, *Acting Secretary of Agriculture.*

[F. R. Doc. 43-2701; Filed, February 18, 1943; 11:50 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter II—Aircraft

PART 21—USE OF ARMY AIRCRAFT

PASSENGERS IN AIRCRAFT; AUTHORIZATION

Section 21.3 (a) (1) (i) is amended as follows:

§ 21.3 *Passengers in aircraft; authorization.* * * *

(a) (1) On flights which may extend beyond the local flying area:

(i) Military personnel of the Army of the United States, Navy, Marine Corps, Coast Guard, personnel of the Army Specialist Corps, Women's Army Auxiliary Corps, and commissioned officers of the United States Coast and Geodetic Survey. (R.S. 161; 5 U.S.C. 22) [Par. 1, AR 95-90, August 24, 1942, as amended by C 1]

* * * * *

[SEAL] J. A. ULIO, *Major General, The Adjutant General.*

[F. R. Doc. 43-2682; Filed, February 18, 1943; 9:31 a. m.]

PART 23—ASSISTANCE TO AIRCRAFT OF FOREIGN REGISTRY

GOVERNMENT-OWNED AIRCRAFT

Sections 23.1 (b), 23.3, 23.4 and 23.5 are amended as follows:

§ 23.1 *Authority.* * * *

(b) *Government-owned aircraft of foreign registry.* Air base and air navigation facilities owned or operated by the War Department may be made available for the use of operators of Government-owned aircraft of foreign registry upon request by the aircraft commander to the Commanding General, Army Air Forces, or such officer as he may designate, or commanding officers of Army Air Forces stations. (44 Stat. 571, 53 Stat. 795; 49 U.S.C. 175, 22 U.S.C. 259) [Par. 2b, AR 95-55, July 13, 1942]

* * * * *

§ 23.3 *Rules to be observed.* (a) Operators of aircraft of foreign registry utilizing the air navigation facilities owned or operated by the War Department will be required to comply with the air and ground rules and regulations promulgated by the War Department, the Commanding General, Army Air Forces, or the commanding officer of the establishment to which the facilities being employed pertain.

(b) Any violation of these rules and regulations will be made the subject of a report to the War Department. (44 Stat. 571, 53 Stat. 795; 49 U.S.C. 175, 22 U.S.C. 259) [Par. 4, AR 95-55, July 13, 1942]

§ 23.4 *Emergency sales.* The provisions of section II, AR 95-50, (§§ 22.4 to 22.7), apply to all aircraft of foreign registry except as follows:

(a) Commanding officers of Army Air Forces stations are authorized to make emergency sales of aircraft fuel, oil, equipment, and supplies, and to furnish mechanical service, temporary shelter, and other assistance to operators of civil aircraft of foreign registry for cash in emergency, when such supplies or assistance are required in order that the aircraft may continue to the nearest commercial airport, subject to the provisions of §§ 23.1 (c) and 23.5.

(b) Commanding officers of Army Air Forces stations are authorized to make sales of aircraft fuel, oil, equipment, and supplies, and to furnish mechanical service, temporary shelter, and other assistance to operators of Government-owned aircraft of foreign registry under such regulations as may be promulgated by the Commanding General, Army Air Forces.

(c) Commanding officers of Army Air Forces stations are authorized to furnish shelter without charge, and to furnish mechanical service and other assistance at cost and to sell at cost fuel, oil, equipment, and supplies for any aircraft operated by any foreign military or air attaché accredited to the United States, subject to § 23.5. (44 Stat. 571, 53 Stat. 795; 49 U.S.C. 175, 22 U.S.C. 259) [Par. 5, AR 95-55, July 13, 1942]

§ 23.5 *Responsibility of the War Department.* (a) The War Department will accept no responsibility for the quality or condition of the fuel, oil, or supplies sold, or the competence or skill of the mechanical service furnished to operators of aircraft of foreign registry.

(b) Requests for fuel, oil, supplies, or services in connection with aircraft of foreign registry will be made in writing by the aircraft commander, who will specify in detail the kind of fuel, oil, or supplies desired or the precise services to be furnished.

(c) The operator of the aircraft of foreign registry or a subordinate designated by him requesting mechanical

service at the Army Air Forces station will personally supervise the performance of any services rendered and upon completion of the work will release the United States from all responsibility by written certificate stating that the supplies furnished and work performed have been satisfactory, and, if the aircraft is to be flown from that station, that it is airworthy.

(d) Aircraft of foreign registry will not be cleared nor permitted to take off from Army Air Forces stations until such certificate of airworthiness has been made by the aircraft operator. (44 Stat. 571, 53 Stat. 795; 49 U.S.C. 175, 22 U.S.C. 259) [Par. 6, AR 95-55, July 13, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-2681; Filed, February 18, 1943; 9:31 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter IV—Secret Service

PART 405—ILLUSTRATION OF WAR SAVINGS BONDS AND STAMPS

FEBRUARY 17, 1943.

Part 405 of the regulations of May 9, 1942 (7 F.R. 3471) is hereby amended to read as follows:

§ 405.1 *Authority.* This authorization is made under authority of section 150 of the Act of March 4, 1909, 35 Stat. 1116 (18 U.S.C. 264) and under all other authority vested in the Secretary of the Treasury.

§ 405.2 *Illustrations authorized.* (a) Authority is hereby given to make, hold, dispose of and use illustrations of War Savings Bonds and War Savings Stamps for publicity purposes in connection with the campaign for the sale of War Savings Bonds and Stamps: *Provided,* That illustrations of stamps are of a size less than three-quarters or more than one and one-half, in linear dimension, of each part of such stamp.

(b) The making of any reproduction of a War Savings Bond or Stamp in any manner or in any form other than as provided in these regulations is not permitted.

§ 405.3 *Modification or revocation.* This authorization may be modified or revoked at any time.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-2691; Filed, February 18, 1943; 11:40 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 174]

REQUEST FOR TRANSFER FOR DELIVERY

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 154, entitled "Request for Transfer for Delivery," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 28, 1943.

[F. R. Doc. 43-2685; Filed, February 18, 1943; 10:35 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment 13]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

§ 801.2 *Prohibited exportations*[2] is hereby amended in the following particulars:

1. In the column headed "Shipping Priority Rating" the shipping priority ratings assigned to the commodities listed below (at every place where said commodities appear in said section) are deleted and in the column headed "General License Group" the group designations assigned to the commodities listed below (at every place where said commodities appear in said section) are amended to read as follows:

Commodity	Department of Commerce No.	General license group	Shipping priority rating
Boots and shoes, infants and children	0648.00	None	-------
Boots and shoes, men's McKay sewed	0645.10	None	-------
Boots and shoes, men's stitchdown	0645.40	None	-------
Boots and shoes, men's welt	0645.30	None	-------
Boots and shoes, men's n. e. s.	0645.90	None	-------
Boots and shoes, women's and misses, McKay sewed	0647.10	None	-------
Boots and shoes, women's and misses, stitchdown	0647.40	None	-------
Boots and shoes, women's and misses, turn or turned	0647.20	None	-------
Boots and shoes, women's and misses, with cemented soles (compo, argo, stuck-on, etc.)	0647.50	None	-------
Boots and shoes, women's and misses, welt	0647.30	None	-------
Boots and shoes, women's and misses, n. e. s.	0647.90	None	-------
Boots and shoes, youths' and boys'	0646.00	None	-------
Boots, shoes, and other footwear, leather soled with uppers of material other than leather (include evening slippers, ballet slippers, house slippers of felt and artificial leather, beach sandals and other footwear with fabric uppers)	0656.10	None	-------
Slippers (for housewear all leather)	0650.00	None	-------

[1] Form filed as part of the original document.

[2] 8 F.R. 1494, 1879, 1616, 1709.

2. In the column headed "Shipping Priority Rating" the shipping priority ratings assigned to the following commodities (at every place where said commodities appear in said section) are deleted:

Commodity	Department of Commerce No.
Flavoring extracts, synthetic	8295.90
Rice flour, meal, and polish	1058.00
Rice, milled, including brown, broken, rice and rice screenings	1057.00
Soap, laundry	8713.00
Soap, medicated	8710.00
Soap, powdered or flaked	8716.00
Soap, toilet or fancy	8712.00
Soap, n. e. s.	8729.00

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 40, 8 F.R. 1938)

Dated: February 13, 1943.

A. N. ZIEGLER,
Acting Chief of Office,
Office of Exports.

[F. R. Doc. 43-2689; Filed, February 18, 1943; 11:32 a. m.]

[Amendment 14]

PART 802—GENERAL LICENSES

IN TRANSIT LICENSES

Paragraph (d) of § 802.9 *General in transit licenses* (8 F.R. 1549) is hereby amended by adding to the list of commodities contained therein the following:

Commodity	Schedule B No.
Meters, electric, measuring and watt-hour	7035.00

This amendment shall become effective February 25, 1943, but shall not apply to licensed shipments of the above commodity which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exist pursuant to actual orders for export on or before said effective date.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 40, 8 F.R. 1938.)

Dated: February 17, 1943.

A. N. ZIEGLER,
Acting Chief of Office,
Office of Exports.

[F. R. Doc. 43-2690; Filed, February 18, 1943; 11:32 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[Order 286 Under § 1499.3 (b) of GMPR]

BRAY, STANLEY AND ELLIS, INC.

Bray, Stanley and Ellis, Incorporated, 83 Lincoln Street, Boston, Massachusetts, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of maximum prices for its new line of men's felt gaiters. Due consideration has been given to the application and an opinion in support of this

order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in the opinion and under the authority vested in Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration *It is ordered:*

§ 1499.1722 *Approval of maximum prices for sale by Bray, Stanley and Ellis, Incorporated of men's unlined felt gaiters made of a felt fabricated with an osnaburg cotton base.* (a) On and after February 18, 1943, the maximum prices at which Bray, Stanley and Ellis, Incorporated, 83 Lincoln Street, Boston, Massachusetts, may sell, deliver and offer for sale its men's felt gaiters made of a felt fabricated with an osnaburg cotton base shall be as follows:

Stock No.:	*Maximum price*
8112	$1.60
8118	2.25
8120	1.80
8123	2.10
8128	2.25
8130	1.95
8137	2.60
8138	2.45

(b) The maximum prices authorized by this Order No. 286 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942, for sale by Bray, Stanley and Ellis, Incorporated, of its felt gaiters made with a burlap base. This discount shall include but is not limited to the customers' discount of 5% which was offered during March 1942 by the corporation on its sales of men's felt gaiters with a burlap base.

(c) The maximum prices authorized by paragraph (a) of this Order No. 286 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 286 may be amended or revoked by the Office of Price Administration at any time.

(e) This Order No. 286 shall become effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2653; Filed, February 17, 1943; 11:57 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 287 Under § 1499.3 (b) of GMPR]

BUHL STAMPING COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1723 *Approval of maximum prices for sales of victory type milk shipping containers manufactured by Buhl Stamping Company of Detroit, Michigan.*

(a) Any person may sell and deliver and any person may buy or receive victory type milk shipping containers manufactured by Buhl Stamping Company of Detroit, Michigan at prices not in excess of those set forth in price list No. 1142 issued by said Buhl Stamping Company a copy of which has been received and is on file with this Office.

(b) All freight equalization practices and allowances, and discounts, applicable to the sale of the old-type cans for which these new cans are now being substituted, whether based on quantity, type of purchaser or any other cause shall be applicable to the sales of these new cans.

(c) Buhl Stamping Company must advise all brokers, wholesalers, jobbers or retailers to whom it sells and such brokers, wholesalers and jobbers must advise all retailers to whom they sell, of the maximum prices established by this order in the following manner:

The maximum price of "Victory Type" -------- size has been established by the Office of Price Administration at $____ each. The steel content of this container has been reduced in order to release steel for essential war purposes. This price does not disturb any allowances and discounts which you have formerly received.

(d) This Order No. 287 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 287 (§ 1499.1723) shall become effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2654; Filed, February 17, 1943; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 288 Under § 1499.3 (b) of GMPR]

GEUDER, PAESCHKE & FREY CO.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1724 *Approval of maximum prices for sales of victory type milk shipping containers manufactured by Geuder, Paeschke & Frey Company of Milwaukee, Wisconsin.* (a) Any person may sell and deliver and any person may buy or receive victory type milk shipping containers manufactured by Geuder, Paeschke & Frey Company of Milwaukee, Wisconsin at the following maximum prices:

	Carload	300 or more	25 to 299	24 or less
Minnesota pattern:				
#55	$2.80	$3.00	$3.10	$3.25
#887	3.50	3.70	3.85	4.05
#1017	3.65	3.85	4.00	4.20
Smls. solderless:				
#708	4.50	4.80	4.95	5.15
#710	4.65	4.90	5.05	5.25

(b) All freight equalization practices and allowances, and discounts, applicable to the sale of the old-type cans for which these new cans are now being substituted, whether based on quantity, types of purchaser or any other cause shall be applicable to the sales of these new cans.

(c) Geuder, Paeschke & Frey Company of Milwaukee, Wisconsin must advise all brokers, wholesalers, jobbers or retailers to whom it sells and such brokers, wholesalers and jobbers must advise all retailers to whom they sell, of the maximum prices established by this order in the following manner:

The maximum price of "Victory Type" ---------- size has been established by the Office of Price Administration at $____ each. The steel content of this container has been reduced in order to release steel for essential war purposes. This price does not disturb any allowances and discounts which you have formerly received.

(d) This Order No. 288 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 288 (§ 1499.1724) shall become effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2655; Filed, February 17, 1943; 11:57 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 289 Under § 1499.3 (b) of GMPR]

SOLAR-STURGES MFG. CO.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1725 *Approval of maximum prices for sales of victory type milk shipping containers manufactured by Solar-Sturges Mfg. Co., of Melrose Park., Illinois.* (a) Any person may sell and deliver and any person may buy or receive victory type milk shipping containers manufactured by Solar-Sturges Mfg. Co., of Melrose Park, Illinois, at the following maximum prices:

ROLL BOTTOM "VICTORY" PATTERN

Capacity	Carload	300 or more but L. C. L.	25 to 299	24 or less
20-qt	$2.80	$3.00	$3.10	$3.25
32-qt	3.67	3.87	4.02	4.22
32-qt	3.72	3.92	4.07	4.27
40-qt	3.82	4.02	4.17	4.37
40-qt	3.87	4.07	4.22	4.42

Prices include No. 9 or 9-A Plug Covers on 6⅛" neck cans, and No. 10 or 10-A Plug Covers on 7¼" neck cans.

HOOP BOTTOM "VICTORY" PATTERN

Capacity	Carload	300 or more but L. C. L.	25 to 299	24 or less
20-qt	$3.00	$3.20	$3.30	$3.50
32-qt	3.97	4.27	4.42	4.62
40-qt	4.12	4.37	4.52	4.72

Prices include No. 9 or 9-A Plug Cover on 6⅛" neck can and No. 10 or 10-A Plug Covers on 7¼" neck cans.

*Copies may be obtained from the Office of Price Administration.

SOLDERLESS PATTERN "VICTORY" CAN

Capacity	Carload	300 or more but L. C. L.	25 to 299	24 or less
20-qt.	$3.55	$3.75	$3.85	4.05
32-qt.	4.52	4.82	4.97	5.17
40-qt.	4.67	4.92	5.07	5.27

Prices include No. 9 or No. 9-A Plug Cover on 6½" neck can and No. 10 or 10-A Plug Covers on 7¼" neck cans.

(b) All freight equalization practices and allowances and discounts, applicable to the sale of the old-type cans for which these new cans are now being substituted, whether based on quantity, types of purchaser or any other cause shall be applicable to the sales of these new cans.

(c) Solar-Sturges Mfg. Co., of Melrose Park, Illinois must advise all brokers, wholesalers, jobbers or retailers to whom it sells and such brokers, wholesalers and jobbers must advise all retailers to whom they sell, of the maximum prices established by this order in the following manner:

The maximum price of "Victory Type" _____ size has been established by the Office of Price Administration at $____ each. The steel content of this container has been reduced in order to release steel for essential war purposes. This price does not disturb any allowances and discounts which you have formerly received.

(d) This Order No. 289 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 289 (§ 1499.1725) shall become effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2656; Filed, February 17, 1943; 11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 290 Under § 1499.3 (b) of GMPR]

ATLANTIC STAMPING CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1726 *Approval of maximum prices for sales of victory type milk shipping containers manufactured by Atlantic Stamping Company of Rochester, New York.* (a) Any person may sell and deliver and any person may buy or receive victory type milk shipping containers manufactured by Atlantic Stamping Company of Rochester, New York at prices not in excess of those set forth in price list No. 1142 issued by said Atlantic Stamping Company, a copy of which has been received and is on file with this office.

(b) All freight equalization practices and allowances, and discounts, applicable to the sale of the old-type cans for which these new cans are now being substituted, whether based on quantity, type of purchaser or any other cause shall be applicable to the sales of these new cans.

(c) Atlantic Stamping Company must advise all brokers, wholesalers, jobbers or retailers to whom it sells and such brokers, wholesalers and jobbers must advise all retailers to whom they sell, of the maximum prices established by this order in the following manner:

The maximum price of "Victory Type" _____ size has been established by the Office of Price Administration at $____ each. The steel content of this container has been reduced in order to release steel for essential war purposes. This price does not disturb any allowances and discounts which you have formerly received.

(d) This Order No. 290 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 290 (§ 1499.1726) shall become effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2657; Filed, February 17, 1943; 11:57 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 201 Under § 1499.18 (b) of GMPR]

MITTET LINE & NET CO.

Order No. 201 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF1-874-P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1801 *Adjustment of maximum prices for single-ply and three-ply fishing line manufactured and sold by Mittet Line & Net Company, of Seattle, Washington.* (a) Mittet Line & Net Company, Seattle, Washington, may sell and deliver, and any person may buy from that company, single-ply and three-ply fishing line at prices per pound not in excess of the following:

	Single-ply	Three-ply
	Cents	*Cents*
40 and 48 pound line	44	46
28 and 32 pound line	46	48
16 pound line	47	49
14 pound line	49	51
12 pound line	52	54
10 pound line	54	56
8 pound line	56	58

(b) Maximum prices set forth in paragraph (a) herein shall be subject to the same terms and conditions of sale as Mittet Line & Net Company offered during 1942 to each class of customers.

(c) Mittet Line & Net Company shall cause the following written notice to be sent to all persons to whom it sells fishing line:

The Office of Price Administration has permitted us to raise our maximum prices for sales to you of fishing line, as follows:

[Adjusted maximum price]

	Single-ply	Three-ply
	Cents	*Cents*
40 and 48 pound line	44	46
28 and 32 pound line	46	48
16 pound line	47	49
14 pound line	49	51
12 pound line	52	54
10 pound line	54	56
8 pound line	56	58

The amount of the increase of these prices over our previous maximum prices represents only that part of cost increases which we were unable to absorb, and was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise the maximum prices on a resale of any of these items.

(d) All prayers of the protest not granted herein are denied.

(e) This Order No. 201 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 201 (§ 1499.1801) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 201 (§ 1499.1801) shall become effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2658; Filed, February 17, 1943; 11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 202 Under § 1499.18 (b) of GMPR]

MARTIN DENNIS CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1802 *Adjustment of maximum prices for "1010 Oil", manufactured by the Martin Dennis Company.* (a) The Martin Dennis Company, 839 Summer Avenue, Newark, New Jersey, may sell and deliver, and any person may buy and receive from the Martin Dennis Company "1010 Oil" at prices not higher than the following:

1010 Oil, $10.50 per 100 pounds, f. o. b. producer's plant.

(b) This Order No. 202 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 202 (§ 1499.1802) is hereby incorporated as a section of supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 202 (§ 1499.1802) shall become effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2659; Filed, February 17, 1943; 11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 16, Under § 1499.29 of GMPR]

HOMER E. CLARK

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.416 *Denial of application for adjustment of maximum prices of agricultural liming materials sold by Homer E. Clark to Agricultural Adjustment Agency.* (a) The application of Homer E. Clark, of Eudora, Kansas, filed with the Agricultural Adjustment Agency, and transmited to the Office of Price Administration on January 2, 1943, requesting adjustment of his maximum prices of agricultural liming materials for sale to Agricultural Adjustment Agency, is denied.

(b) The applicant may submit to the Office of Price Administration additional facts in support of his application within 15 days of the effective date of this order.

(c) This order No. 16 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 16 (§ 1499.416) shall become effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2649; Filed, February 17, 1943; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 24 Under Supp. Reg. 15 to GMPR]

HOWARD A. HARBOURT

Order No. 24 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket No. GF3-2641.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1324 *Adjustment of maximum prices for contract carrier services for Howard A. Harbourt of 169 Marshall Avenue, Trenton, New Jersey.* (a) Howard A. Harbourt of 169 Marshall Avenue, Trenton, New Jersey, may sell and deliver contract carrier services at not more than $1.875 per hour for the services of a 1½ ton truck with driver and helper.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 24 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 24 (§ 1499.1324) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 24 (§ 1499.1324) shall become effective February 18, 1943.

(Pub. Law No. 421, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2650; Filed, February 17, 1943; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 25 Under Supp. Reg. 15 to GMPR]

FREIGHTMASTERS, INC.

Order No. 25 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket No. GF3-1226.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1325 *Adjustment of maximum prices for contract carrier services by Freightmasters, Inc., a Missouri corporation with principal offices located in Kansas City, Missouri.* (a) Freightmasters, Inc., a Missouri corporation with principal offices located in Kansas City, Missouri, may sell and deliver contract carrier services at prices not to exceed 6% above the maximum prices established by it in March, 1942.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 25 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 25 (§ 1499.1325) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by §1499.2.

(e) This Order No. 25 (§ 1499.1325) shall become effective February 18, 1943.

(Pub. Law No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2651; Filed, February 17, 1943; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 26 Under Supp. Reg. 15 to GMPR]

ZUZICH TRUCK LINE

Order No. 26 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket No. GF3-1227.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1326 *Adjustment of maximum prices for contract carrier services by George Zuzich doing business as Zuzich Truck Line of Kansas City, Missouri.* (a) George Zuzich an individual doing business as Zuzich Truck Line of Kansas City, Missouri, may sell and deliver contract carrier services at prices not to exceed 1% above the maximum prices established by him in March, 1942.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 26 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 26 (§ 1499.1326) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 26 (§ 1499.1326) shall become effective February 18, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2652; Filed, February 17, 1943; 11:59 a. m.]

PART 1305—ADMINISTRATION

[General Ration Order 6]

WAR RATION BOOK TWO

§ 1305.41 *The issuance and use of War Ration Book Two.* Under the authority vested in the Administrator by Executive Orders No. 9125 and 9280, issued by the President on April 7, 1942 and December 5, 1942, respectively, Directive No. 1 and Supplementary Directive No. 1-M of the War Production Board, issued on January 24, 1942 and September 12, 1942, respectively, and Food Directive No. 1 issued by the Secretary of Agriculture on January 16, 1943, General Ration Order 6 (War Ration Book Two), which is annexed hereto and made a part hereof, is hereby issued.

GENERAL RATION ORDER 6—WAR RATION BOOK TWO

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AUTHORITY: § 1305.41, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. No. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive No. 1, 7 F.R. 562, and Supplementary Directive 1-M, 7 F.R. 7234; and Food Directive No. 1, 8 F.R. 827.

SECTION 1.1 *War Ration Book Two.* War Ration Book Two (OPA Form No. R-121) may be used to get rationed commodities designated by the Office of Price Administration. A War Ration Book Two issued to any person shall remain the property of the United States, and may be used by such person only in a way permitted by the Office of Price Administration.

SEC. 1.2 *Who may get War Ration Book Two.* (a) Every person may get War

Ration Book Two (OPA Form No. R–121) upon proper application unless:

(1) He is confined in a prison, asylum, or similar institution of involuntary confinement, whether public or private; or

(2) He is a member of the armed forces of the United States and is receiving subsistence in kind or is messed separately under an officer's command.

(b) No person shall apply for, or have, more than one War Ration Book Two for his own use.

SEC. 1.3 *Consumer declaration must accompany application.* (a) Every application for War Ration Book Two must be accompanied by a declaration (OPA Form No. R–1301) filled out and signed by the applicant or his agent.

(b) A separate declaration must be filed for each family unit and for each person who is not a member of a family unit, on behalf of whom application for War Ration Book Two is made. "Family unit" includes all persons related by blood, marriage, or adoption, who regularly reside in the same household.

SEC. 1.4 *Application from February 21, to February 28, 1943.* (a) Only a person who has War Ration Book One, and who submits it with his declaration, may apply for War Ration Book Two between February 21 and February 28, 1943, inclusive.

SEC. 1.5 *Where to apply.* (a) Application for War Ration Book Two shall be made at the war price and rationing board for the place where the applicant lives, or at any other place designated by the Office of Price Administration. If the applicant has War Ration Book One, and cannot apply there without great inconvenience, he may apply at another board, or other place of registration.

SEC. 1.6 *How to apply*—(a) *By appearance.* (1) One adult member shall apply in person for all members of a family unit eligible to receive War Ration Book Two. If there is no adult member of a family unit, application for the members of the family unit shall be made by the oldest member or by a responsible adult. If, for any reason, one of the members of a family unit is not included in its Declaration, he shall file a separate declaration.

(2) All other applications must be made in person but if any person is unable to appear, an adult agent who can complete the declaration may apply for him.

(b) *By mail.* Applications may be made by mail, addressed to the office designated to receive such applications, if the Regional Administrator has announced that application by mail may be made in the applicant's community. Such announcement will be made only where personal appearance would be extremely difficult because of distance, transportation, or other conditions.

SEC. 1.7 *Stamps to be removed from War Ration Book One.* (a) Where the age shown on any War Ration Book One is under fourteen years, all coffee stamps (Stamps 19 to 28, inclusive) shall be removed. For every coffee stamp missing from such a book, one coffee stamp shall be removed from the War Ration Book One of the parent, guardian or other adult person in whose household the minor lives and in whose custody his War Ration Book One has been kept. However, the board may waive this requirement if it (or its member or representative at the place of registration) finds that the coffee stamps are missing because they were removed prior to issuance of the book or were removed by misunderstanding or by accident at any other time, and were not used to acquire coffee.

(b) For every full pound of coffee in excess of one owned on November 28, 1942, by an individual applicant, the registrar shall remove one coffee stamp from his War Ration Book One.

(c) Coffee held by a family unit shall be considered to be owned by those members of the family unit whose ages are fourteen years or over as shown on their War Ration Book One. The number of pounds of coffee owned by the family unit on November 28, 1942, in excess of the number of such persons shall be considered to be excess pounds. These stamps shall be removed as nearly equally as possible from the books of the members of the family unit whose ages as shown on their books are 14 years or over.

(d) If the number of coffee stamps to be removed from a War Ration Book One exceeds the number of stamps in it the number in excess shall be written in ink or indelible pencil by the registrar on the inside cover of the War Ration Book One as follows: "_____coffee". The persons to whom the book was issued shall be charged with such excess.

(e) Coffee stamps shall be removed in the following order: 27, 28, 25, 26, 23, 24, 21, 22, 19, 20.

SEC. 1.8 *Circling of age and return of War Ration Book One.* (a) To indicate that a War Ration Book Two has been issued against a War Ration Book One, the person issuing the War Ration Book Two shall draw a circle, in ink or indelible pencil, around the age written on War Ration Book One. After this has been done, and all the coffee stamps to be removed have been removed, each War Ration Book One received from the applicant shall be returned to him.

(b) War Ration Book Two shall not be issued for any person if a circle has been drawn around his age written on his War Ration Book One.

SEC. 1.9 *Stamps to be removed from War Ration Book Two.* (a) One eight-point blue stamp shall be removed from the War Ration Book Two, of an individual applicant for each can, bottle, or jar of canned processed foods in excess of five owned by him on February 21, 1943.

(b) Processed foods held by a family unit shall be considered to be owned by all members of the family unit. One eight-point blue stamp shall be removed from the War Ration Book Two of a member of the family unit for each can, bottle, or jar of canned processed food in excess of five for each member owned by the family unit on February 21, 1943.

(c) Only eight-point blue stamps shall be removed. Stamps shall be removed in alphabetical order as nearly equally as possible from the books of the members of a family unit. If the eight-point blue stamps to be removed from a War Ration Book Two exceed twenty-four the number in excess of twenty-four shall be written on the inside front cover of the book in ink or indelible pencil as follows "_____ cans."

(d) Processed foods in cans, bottles, or jars of less than eight ounces and home canned processed foods shall not be counted for the purposes of this section.

SEC. 1.10 *Issuance of War Ration Book Two.* (a) The person issuing a War Ration Book Two shall fill in the name of the person for whom it is issued, and the number and address of the board, on the front cover of the book. In addition, a validation stamp (OPA Form No. R–123) shall be pasted on the front cover of the book, over the space marked "This book not valid." The book shall then be signed by the issuing officer and given to the applicant or his agent.

(b) The person for whom the War Ration Book Two is issued, or his agent, shall write the serial number of the book across the bottom part of the validation stamp and shall fill in all the remaining information called for on the cover of the book. The book shall not be valid for use before this is done.

SEC. 1.11 *Procedure where application is by mail.* (a) Each application by mail shall be accompanied by the declaration, and by the War Ration Book One of each person covered by the declaration. All other provisions of this order dealing with the issuance of War Ration Book Two and application in person for Book Two shall apply to such applications by mail. Any Book Two issued pursuant to application by mail shall be mailed to the applicant along with all Books One received from him.

SEC. 1.12 *Application on or after March 1, 1943.* (a) Any war price and rationing board may refuse to accept applications for, or issue War Ration Book Two between March 1, and March 14, 1943, inclusive.

(b) Any person who did not receive War Ration Book Two prior to March 1, 1943, may apply for it on or after that date, unless the board at which he applies refuses to permit such application until after March 14, 1943. In such case, application may be made only on or after March 15, 1943.

(1) If such person has War Ration Book One, all the provisions of this order dealing with the issuance of War Ration Book Two to such a person shall apply. In addition, if War Ration Book Two is issued after one or more ration periods have ended, all the stamps which were valid during those periods must be removed before it is issued.

(2) If such person does not have War Ration Book One, application for War Ration Book Two may be made only at the board for the place where the applicant lives, and must be made in person. In addition to completing the declaration (OPA form No. R–1301), the applicant shall submit a special application on OPA Form No. R–315, stating why he does not

have Book One. If the board finds that the applicant does not have War Ration Book One and that he did not receive War Ration Book Two, it shall issue War Ration Book Two to him. All other provisions of this order dealing with application for, and issuance of War Ration Book Two, when a person has War Ration Book One, shall apply only so far as pertinent. If War Ration Book Two is issued after one or more ration periods have ended, all stamps which were valid during those periods must be removed before it is issued.

SEC. 1.13 *Disposition of forms and removal of stamps.* (a) All stamps removed from War Ration Books One and Two and all forms submitted by applicants may be disposed of only as authorized by the Office of Price Administration.

SEC. 1.14 *Surrender of War Ration Book Two.* (a) Within ten days after the death of a person to whom a War Ration Book Two has been issued, the person in possession of it shall turn it over to any board.

(b) When a person to whom a War Ration Book Two has been issued is confined in an institution of involuntary confinement, whether public or private, for a period likely to exceed ten days, he shall turn his book over to an official of the institution. The book shall be returned to him when he leaves the institution.

(c) A person to whom a War Ration Book Two has been issued shall turn it over to any local board when:

(1) He leaves the United States for a period of more than thirty days; or

(2) He becomes a member of the armed forces of the United States and will receive subsistence in kind or will be messed separately under an officer's command.

SEC. 1.15 *The Office of Price Administration may issue War Ration Book Two to law enforcement or investigatory government agencies.* (a) War Ration Book Two may be issued by the Office of Price Administration, on such terms and conditions as it may deem proper, to any law enforcement or investigatory agency of the United States, or of any state or local government for the use of such agencies, and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

(b) Any such government agency may apply in writing (on its official stationery or letterhead) to the district office (or, where there is no district office, to the State office) for the place where its principal business office is located. The application shall state the number of books which it needs and the purposes for which the books will be used.

(c) The district (or State) office will issue the number of books which it finds will be needed by the government agency. Such books will be issued in blank.

SEC. 1.16 *Wrongful withholding prohibited.* (a) A person who has a War Ration Book Two which is not his shall, upon demand, deliver it to the person who is entitled to have it under this or any other order of the Office of Price Administration.

SEC. 1.17 *False statements prohibited.* (a) No person shall in any declaration, application or other document made pursuant to or required by the provisions of this order make or cause to be made any untrue statement of any fact, or omit, or cause to be omitted any statement of any fact required to be stated therein or necessary to make the statement therein not misleading.

(b) No person shall offer, solicit, attempt or agree to do, any act in violation of this order.

SEC. 1.18 *Suspension orders.* (a) Any person who violates General Ration Order 6 may, by administrative suspension order, be prohibited from acquiring or using any rationed commodity for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary in the public interest and to promote the national security.

SEC. 1.19 *Definitions.* (a) When used in this order:

(1) "Applicant" means:

(i) Any person who applies for War Ration Book Two on his own behalf or on behalf of members of the family unit to which he belongs; and

(ii) Any person or family unit on whose behalf application is made by another who is not an applicant under (i) with respect to such application.

(2) "Coffee" means coffee as defined in Ration Order No. 12.

(3) "Processed foods" means processed foods as defined in Ration Order No. 13.[1]

This ration order shall become effective 12:01 a. m. February 21, 1943.

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2672; Filed, February 17, 1943; 3:59 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 37]

AMENDING OR ADDING A PROHIBITION AGAINST SERVICE COMMISSIONS IN CERTAIN MAXIMUM PRICE REGULATIONS AND REVISED MAXIMUM PRICE REGULATIONS GOVERNING LUMBER

A statement of the considerations involved in the issuance of this supplementary order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, including Section 201 (d) thereof, *It is hereby ordered,* That:

§ 1305.43 *Prohibition against service commissions in certain regulations and revised regulations governing lumber.* (a) The prohibition against certain service commissions in the specified paragraph of each maximum price regulation or revised maximum price regulation listed in paragraph (b) of this order is amended, and a prohibition against service commissions is added by the specified paragraph of each maximum price regulation listed in paragraph (c) of this order, to read as follows:

It is unlawful for any person to charge, receive or pay a commission for the service of procuring, buying, selling or locating lumber, or for any related service (such as "expediting" which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this Regulation, a commission is any service charge or payment which is figured either directly or indirectly on the basis of the quantity, price or value of the lumber in connection with which the service is performed.

(b) The numbers of the paragraphs containing the prohibitions against certain service commissions which are amended by this order, and the applicable maximum price regulations or revised maximum price regulations, are as follows:

Section:	*Schedule or Regulation No.*
1381.506 (c)	94
1382.105 (d)	97
1312.354 (c)	109
1381.404 (d)	253
1381.456 (c)	290

(c) The numbers of the paragraphs which add the prohibition against service commissions set forth in this order, and the applicable maximum price regulations, are as follows:

Section:	*Schedule or Regulation No.*
1381.204 (c)	19
1381.54 (c)	26
1382.4 (c)	146
1382.54 (c)	155
1425.6 (c)	215
1381.304 (d)	219
1381.254 (c)	222
1382.154 (c)	223
1382.205 (c)	281

This supplementary order shall become effective February 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2673; Filed, February 17, 1943; 3:50 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 207,[1] Amendment 3]

FROZEN FRUITS, BERRIES AND VEGETABLES

A statement of the considerations involved in the issuance of Amendment No. 3 to Maximum Price Regulation No. 207 has been issued and filed with the Division of the Federal Register.*

In § 1341.202, paragraphs (c) and (d) are amended and a new paragraph (i) is

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1840.

[1] 7 F.R. 6599, 6831, 8875, 8948.

added, and in § 1341.206a a new paragraph (d) is added, as shown below.

§ 1341.202 *Packer's maximum prices for frozen fruits, berries and vegetables.* * * *

(c) If the maximum price for any kind, grade and container size of any frozen fruits, berries or vegetables cannot be determined under paragraphs (a), (b) or (i) of this section, * * *

(d) If the packer's maximum price cannot be determined under paragraphs (a), (b), (c), or (i) of this section, * * *

* * * * *

(i) *New container types and sizes.* (1) The maximum price per dozen or other unit for a kind and grade of frozen fruits, berries or vegetables packed in any container type or size of which the packer made no sales during the first 60 days after the beginning of the 1941 pack shall be calculated as follows. He shall:

(i) *Determine the base container.* If the packer sold the same kind and grade of frozen fruits, berries or vegetables during the first 60 days following the beginning of the 1941 pack, but only in other container types or sizes, he shall first determine the most similar container type in which he is able to calculate a maximum price for that kind and grade of frozen fruits, berries or vegetables under this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50% or less larger, or if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the "base container." If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the packer is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(ii) *Find the base price.* The seller shall take as the "base price" his maximum price per dozen, f. o. b. factory, for the kind and grade of frozen fruit, berries or vegetables when placed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the seller's factory, the seller shall first convert it to a base price f. o. b. factory by subtracting whatever transportation charges were included in it.

(iii) *Deduct the container cost.* Taking his base price, f. o. b. factory, the seller shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's factory, of the container, caps, label and proportionate part of the outgoing shipping carton, but it does not include costs of filling, closing, labeling or packing.

(iv) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(v) *Add the new container cost to get the price f. o. b. factory.* Next, the seller shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the seller's maximum price, f. o. b. factory.

(vi) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the seller's maximum price for the frozen fruit, berries or vegetables in the base container is a delivered price, he shall figure transportation charges to be added, as follows: The seller shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the frozen fruit, berries or vegetables in the new container will move under a different freight tariff classification, the seller shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during March 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of transportation charge.) The seller shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the seller's maximum delivered price.

(2) If the packer has established a maximum price for any new item prior to February 23, 1943, under § 1341.202, (c) or (d), he may retain that maximum price, or, at his option, he may establish a maximum price under this paragraph.

§ 1341.206a *Information to purchasers from packers.* * * *

(d) When any packer has established a maximum price under paragraph (i) of § 1341.202, he is not required to notify his wholesalers or retailers under the provisions of this section.

§ 1341.215 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1341.202, (b), (c), and (i), 1341.206a (d) and 1341.215 (c)) to Maximum Price Regulation No. 207 shall become effective February 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2674; Filed, February 17, 1943; 3:50 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 328]

CANNED EASTERN AND GULF OYSTERS

In the judgment of the Price Administrator the prices of canned Eastern and Gulf oysters have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has ascertained and given due consideration to the prices of canned Eastern and Gulf oysters prevailing between October 1, 1941 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable, and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below the average price of such commodities in the year 1941.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 328 is hereby issued.

AUTHORITY: §§ 1364.901 to 1364.912, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1364.901 *Sales of canned Eastern and Gulf oysters at higher than maximum prices prohibited.* (a) On or after February 23, 1943, regardless of any contract, agreement, or other obligation, no canner, or agent or other person acting on behalf, or under control, of such canner shall sell or deliver any canned Eastern and Gulf oysters, and no person in the course of trade or business shall buy or receive from a canner any canned Eastern and Gulf oysters at prices higher than the maximum prices set by this regulation, and no person shall agree, offer, solicit, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

§ 1364.902 *Where the regulation applies.* The provisions of this regulation shall apply to the forty-eight states of the United States and the District of Columbia.

§ 1364.903 *Sales to which this regulation does not apply.* The provisions of this regulation shall not be applicable to sales or deliveries of canned Eastern and Gulf oysters to a purchaser if prior to February 23, 1943, such canned Eastern and Gulf oysters have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1364.904 *Relation to other regulations.* (a) The provisions of this regulation repeal the provisions of the General

*Copies may be obtained from the Office of Price Administration.

Maximum Price Regulation [1] with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) The maximum price at which a person may export canned Eastern and Gulf oysters shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [2] issued by the Office of Price Administration.

§ 1364.905 *Conditional agreement.* No seller of canned Eastern and Gulf oysters shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1364.911 in the event that this regulation is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment.

§ 1364.906 *Records and reports.* (a) Every person making a purchase or sale of canned Eastern and Gulf oysters under this regulation in the course of trade or business or otherwise dealing therein, other than a purchaser at retail, after February 22, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended remains in effect, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity and a description of the grade or brand, style of pack, and container size of canned Eastern and Gulf oysters.

(b) Each person shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1364.907 *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to canned Eastern and Gulf oysters, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or by changing the grade or style of processing or the packaging of canned Eastern and Gulf oysters.

§ 1364.908 *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violations of this regulation or any price schedule, regulation, or order issued by the Office of Price Administration or of any act or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.909 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 [3] issued by the Office of Price Administration.

§ 1364.910 *Definitions.* (a) When used in this maximum price regulation the term:

(1) "Person" includes any individual, corporation, partnership, association, or other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, or other government, or any of its political subdivisions, and any agency of the foregoing: *Provided,* That no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Eastern and Gulf oysters" means oysters of the genus Ostrea virginica, where the same are caught in Atlantic waters or the Gulf of Mexico.

(3) "Canner" means a person who preserves oysters by processing and hermetically sealing in metal containers.

(4) "No. 1 Picnic" means a can (211 x 400) packed to a net content of 7½ ozs.

(5) "No. 2" means a can (307 x 409) packed to a net content of 14 ozs.

(6) "Price per dozen" means the price for 12 cans of oysters packed for shipment in the usual container.

(7) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1364.911 *Maximum canners' prices for canned Eastern and Gulf oysters.* (a) The prices set forth below are maximum prices per dozen cans f. o. b. the shipping point nearest cannery. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts and differentials to purchasers of different classes.

	Per dozen cans
No. 1 Picnic	$3.15
No. 2 Picnic	5.80

(b) For container sizes of oysters not listed in paragraph (a) the price shall be a price determined by the Office of Price Administration to be in line with the prices listed in paragraph (a). Such determination shall be made upon written request, addressed to the Office of Price Administration, Washington, D. C., and accompanied by sworn statements showing costs and usual differentials.

§ 1364.912 *Effective date.* This Maximum Price Regulation No. 328 (§§ 1364.901 to 1364.912) shall become effective February 23, 1943.

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2675; Filed, February 17, 1943; 3:50 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 3 to Maximum Rent Regulation 45 [1]]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The second paragraph of §1388.8056 (d) (1) of Maximum Rent Regulation No. 45 is amended to read as follows:

§ 1388.8056 *Restrictions on removal of tenant.* * * *

(d) (1) * * *

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days (or, as to housing accommodations within the New Orleans Defense-Rental Area where the ground for removal or eviction is nonpayment of rent, at least five days) prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

§ 1388.8064a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1388.8056 (d) (1)) to Maximum Rent Regulation No. 45 shall become effective February 22, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2677; Filed, February 17, 1943; 3:50 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[2] Amendment 38]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5784, 6058, 6081, 6007, 6216, 6615, 6784, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317.

[2] 7 F.R. 5059, 7242, 8829, 9000, 10530.

[3] 7 F.R. 8961.

[1] 7 F.R. 6641, 6827, 7404, 7534, 7668, 8505, 8506, 8507, 9784, 9821, 10845, 11115; 8 F.R. 2108.

[2] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1203, 1235, 1282, 1681, 1636, 1859.

has been filed with the Division of the Federal Register.*

In paragraphs (b) (1), (f) and (g) of § 1394.5402, the phrase "Petroleum Administrative Order No. 3" is amended to read "Petroleum Distribution Order No. 3"; and a new subparagraph (9) is added to paragraph (a) of § 1394.5151; as set forth below:

Restrictions on Issuance of Rations

§ 1394.5151 *Restrictions on issuance of rations.* (a) * * *

(9) For the non-occupational use of a boat, or for the use of a boat for pleasure cruising, guiding parties, and fishing, other than to procure fish as necessary food or for sale or processing, in the area mentioned in paragraph (f) of § 1394.5402: *Provided, however,* That a ration for the non-occupational use of a boat may be issued or used:

(i) For family or personal necessity purposes for which no adequate alternative means of transportation are available;

(ii) By naval or military personnel on leave or furlough, evidenced by duly issued leave or furlough authorization, for the purpose of visiting relatives or making social calls; or

(iii) In accordance with any requirements of the United States Coast Guard, Coast Guard Auxiliary, or Navy, if the boat is not otherwise used.

* * * * *

This amendment shall become effective on February 23, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1–0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–2676; Filed, February 17, 1943; 3:50 p. m.]

PART 1305—ADMINISTRATION

[General Ration Order 5]

FOOD RATIONING FOR INSTITUTIONAL USERS

Why restaurants and other institutional users must be rationed. Food is consumed not only in private homes, but also in other types of eating places, such as restaurants, boarding houses and public and private institutions. For people who do all their eating at home, the ordinary individual rationing controls, through food ration stamps, provide fair and equitable distribution of scarce foods. However, these controls do not cover the problem of the many people who take some or all of their meals in public eating places, or in institutions.

It would not be reasonable to restrict home consumption and, at the same time, to permit restaurant use of food to remain uncontrolled. On the other hand, it is clear that adequate provision must be made for those who are not home consumers. Their needs must be satisfied and, to the extent possible, they should be placed in the same position as those who eat at home.

This was recognized when the sugar rationing program was started. Restaurants, boarding houses and other eating establishments were registered as "institutional users", and a method was provided for giving them "allotments" of sugar. When coffee rationing began, institutional users were again registered and given allotments of coffee. Under both programs, the aim was to give eating establishments allotments which would put their patrons in much the same position as home consumers. That aim—to give restaurant consumers their fair share of scarce foods, and no more—is common to all food rationing programs.

Need for a general institutional user program. With the launching of a program for rationing processed foods and with the prospective extension of rationing to meat and other foods, it becomes necessary to eliminate the complications which would result from handling eating establishments on a program by program basis. In order to avoid confusion, a general method for getting all rationed foods should be made available to eating establishments.

The purpose of this order is to bring together all rules which institutional users follow in getting supplies of rationed foods—those now being rationed and those to be rationed in the future. At the same time, this order is prepared in the light of the problems and experience of institutional users under earlier food programs. Where experience has shown that earlier programs did not give full recognition to certain differences in their operations and functions, this order recognizes those differences. Where experience has shown that greater flexibility is needed, this order provides it.

The program is timed to begin on the same date as processed foods rationing—and the date coincides with the beginning of sugar and coffee allotment periods. In that way, institutional users simply register under this order—instead of registering under the processed foods order and, at the same time, apply for sugar and coffee allotments. The information they furnish at registration will be used to determine not only their allotments of processed foods, but also of sugar and coffee—and, to the extent possible, of meats and other foods, when they are rationed.

How institutional users are rationed. Food eaten in private homes is rationed by issuing books to the individual members of the household. This method is not, at the present time, readily adaptable to food eaten in public eating places. It would require complicated machinery for the issuance of stamps for meals, or for very small quantities of each rationed food—a stamp good for the two spoonfuls of sugar used at a meal, a stamp for a cup of coffee, a stamp for a helping of canned vegetables. The complexity of these methods and of others which were considered, as well as the burdens which would be involved in administering them, indicated that it would be better, under present conditions, to ration foods for eating establishments on a broader basis—by giving each establishment an allotment of rationed foods, which it can use for serving meals.

The problem then arises as to how the allotment should be figured. The amount of patronage in each restaurant may change greatly over a short period of time. There are many differences among restaurants—some serve large portions, while some serve small ones—some specialize in one food, while some specialize in another. Moreover, the size of the meals eaten by customers varies widely. One customer makes a meal out of a sandwich and a cup of coffee. Another eats five or six courses. To make fair allotments of rationed foods involves the consideration of several items of information. It also involves computations which are time-consuming. However, this cannot be avoided if the public interest is to be protected, and if institutional users are to be treated fairly.

There are, however, two types of institutional users whose problems and operations can be covered very simply and easily. These are small boarding houses, which are called Group I institutional users, and institutions of involuntary confinement (such as jails, prisons, asylums and homes for delinquents), which are called Group II institutional users. Other eating establishments—such as restaurants, cafeterias, hotels, refreshment stands, canteens, charity establishments and the like (called Group III institutional users) have problems which are somewhat more complex. Group III users get their allotments on the basis of more detailed information and computations made by the ration Boards.

The Group I plan for boarding houses and similar establishments. Boarding houses, particularly the small ones, are very much like enlarged family households. They are therefore treated in much the same way as households. They get their supplies of rationed foods by using the ration books of their boarders and of the other people who eat there. They thus operate on what is known as the "pooled book" plan. (There are certain very small users who are not covered by the program at all. Those who serve fewer than seven people a day are not even required to register, since they can be regarded as ordinary households.)

This plan is compulsory for eating places (other than institutions of involuntary confinement, and certain other specified users), where less than fifty (50) people reside and where eighty (80) percent of the food service is to people living on the premises and eating eight (8) or more meals a week there. Any institutional user establishment whatsoever—a large boarding house, a hotel or a restaurant, or even a jail—may adopt this plan if it so desires. But any establishment which operates under this plan cannot acquire rationed foods in any other manner.

The idea behind this plan is that a small boarding house, where almost all the meals are served to regular boarders,

*Copies may be obtained from the Office of Price Administration.

does not need and should not get an allotment. It can get rationed foods, just like a family household, through the pooled ration books of its boarders. A person who takes eight or more meals at a place where he lives presumably does not have to use his ration book anywhere else. If he does, he can make appropriate arrangements with the boarding house keeper. The occasional meals served to outside guests should create no hardship. If necessary, the guests can arrange to let the owner get food for them by using their books, just like guests in an ordinary family household.

The pooled book plan may be too burdensome for very large boarding establishments, and impracticable for restaurants without steady customers. For that reason, they are not required to operate under that plan. Yet there are individual cases where such establishments may find it worthwhile to make arrangements with their customers for the use of their ration books to get food for them, and may regard the pooled book plan as less troublesome than applying for allotments. Such places are therefore allowed to operate on the pooled book plan if they wish to do so.

The Group II plan for institutions of involuntary confinement. In the case of institutions of involuntary confinement, the problem of controlling the supply of rationed foods is simplified by the circumstance that they have a relatively stable population, and even more by the fact that they generally operate on a food budget per person. The obvious solution is to give them an allowance per person for each rationed food, which approximates the private consumer's ration. That allowance is the maximum which they can get.

Institutions of this type cannot be compelled to operate on a pooled book basis since many of their inmates will not have or will not be entitled to ration books.

At the time of registration, applicants in this group declare the number of persons served during the month of December 1942. (December 1942 is the base month which generally serves as the standard in institutional user calculations.) The Board multiplies this figure by the allowance per person. It then multiplies the result by two and the figure obtained is the first allotment, for the two month period beginning March 1, 1943. The same allotment is granted for the second period.

The allotments for all periods after the first two will be based on the number of persons served during the two calendar months preceding the date on which applications for new allotments can be made.

Institutions may apply for a supplemental allotment (calculated on a per person basis) under certain circumstances to take care of an increase in the number of persons served.

The Group III plan for restaurants and similar eating places. In solving the allotment problems for the largest class of eating places, the Group III institutional user establishments, it was necessary to work out fair methods for measuring two things—the basis for computing allotments when a rationing program goes into effect, and the changes in allotments that should be made to take care of changes in the volume of business that are bound to arise in the course of the program.

How the allotment basis is fixed.—To fix the allotment basis, the month of December 1942 was selected as the standard. This month was chosen because it represents conditions prior to the start of processed foods rationing and of other rationing programs that may follow. The amount of food a restaurant or other eating establishment used in December will show, by and large, the amount of the consumer demand which it normally satisfies. (If an establishment was not operated in December 1942, the order makes provision for using figures for a different month to fix the allotment basis).

While the actual use of a food during December can be taken as a basis for fixing the allotment, it would not be proper to give an allotment equal to the full December use. The average home consumer gets, under rationing, less than his normal supply of a rationed food. Restaurants and restaurant consumers should bear a reduction comparable to that borne by home consumers. To accomplish this, the December use is multiplied by a percentage (called a "factor") that is set by the Office of Price Administration for each rationed food. That percentage corresponds to the reduction that the home consumer bears. However, sugar and coffee were rationed in December and their December use was already curtailed by rationing. Therefore there is, at least for the first period, no reduction for sugar and coffee.

December use is, however, not the only fact which must be taken into account in fixing an allotment basis. Certain restaurants feature, and serve unusually large portions of, a particular food, such as meat. When that food is rationed such restaurants would have an advantage over other restaurants that did not feature it, if the allotments to all restaurants were based only on December use. Under rationing, the amount of rationed food which a restaurant and a restaurant consumer can get should not be increased merely because unusually large portions of that food were served in the past. Rationed foods are too scarce for that.

In order to prevent unfairness, a second test is also applied in fixing the allotment basis. The number of customers served during December is multiplied by an allowance per person for the particular rationed food, which approximates the private consumer's ration. The figure reached this way is compared with the figure reached on the basis of December use. Whichever figure is smaller is taken as the allotment basis. In this way, the basis takes into account the type of operation and the volume of business and, through the "per person" allowance, aims to make certain that no institutional user can get more than a fair share of a scarce food.

The allotment for the first two periods is then fixed at two times this allotment basis—since the allotment is for a two month period, while the basis covers only one month of operation (December 1942).

How increased allotments are given. The second major problem affecting Group III users arises from changes in the volume of their business. Allotments for later periods should, of course, be based on the experience and the need of the applicant and his patrons. There are two customary ways of measuring changes in the volume of business—change in the number of persons served, and change in dollar revenue. Of these, the more important, from the point of view of rationing, is the number of persons served, since that shows how much food is needed. However, that figure—the number of persons served—is not altogether reliable for all purposes. It may include a larger number of milk-and-pie sales rather than complete meals. Or a restaurant may reduce its prices and serve more people, but if it serves less to each person it would not need more food. In order to check whether an increase in number of persons served really shows an increased service of food, dollar revenue must be examined. A restaurant which reduced both its portions and its prices does not need, and would not get, larger allotments merely because it served more people.

Therefore, in determining allotments for later periods, every applicant in Group III is required to show (1) his revenue for the first two of the three calendar months before the new allotment period, and (2) the number of persons he served during those two months. These figures are compared with his December figures. If they show that the average number of persons he served and his average dollar revenue both increased, as compared with December, his allotment is increased. However, since his dollar revenue is used as a check, for the reasons stated above, only the smaller increase is counted—so that if dollar revenue increased less than persons served, his allotment is increased only in proportion to the growth in his dollar revenue. If, on the other hand, the average number of persons he served shows a decrease, as compared with December, his allotment is decreased proportionately, regardless of his dollar revenue. (This is done so that a restaurant cannot get a larger allotment just by increasing the price of its meals.) In all other cases, the allotment remains the same. For example, if the number of persons served increased, while dollar revenue decreased, the allotment is unchanged—because dollar revenue is used as a check against increases, as explained before.

In the case of establishments that do not charge for meals, no increases in allotments are given. The reason for this is that increases are primarily intended for places which serve the public at large and which meet an increased public need. Generally speaking, the fact that an establishment charges for food is a fair indication that it serves the public at large. There are, of course, certain exceptions, but that is the fairest and simplest general rule. In order to take care of cases of undue hardship, provision is made for adjustments—and

establishments of other types that do not charge for food are given an opportunity to petition for an adjustment when a situation which warrants relief exists.

Treatment of individuals who live in Group II and Group III establishments. A person who lives in a hotel and takes his meals there regularly, does not need his war ration books while he is there. Since he gets meals without using his books he does not need them to buy food. The same is true of a person who is confined in an institution where he is fed.

For these reasons, the order provides that a person who lives in a Group II or Group III establishment for seven days or more, and who takes eight or more meals a week there, must turn over his war ration books to the owner of the establishment. The owner must tear out stamps covering the period of his stay, and must send them to the board for cancellation. The owner of the establishment is, of course, not allowed to use the stamps. When a person ends his stay at the establishment, his books must be returned.

The purpose of this rule is to make sure that ration stamps are not used in cases where they are obviously not needed. The rule applies only to cases where a person regularly eats at an institutional user establishment in Group II or III, and also lives there. In cases of that sort, it is reasonable to assume that he does not need the stamps in his books, since he gets food where he lives, without using the books to get it.

If a person lives in a Group I establishment, however, he needs his books to get food because the establishment operates on a pooled-book basis. Therefore, he does not have to give up stamps for cancellation—and he may let the boarding house keeper use his books to get rationed food for service to him.

Adjustments. To take care of special situations which may arise, and of cases of serious hardship, the order contains provisions for granting many types of adjustments. Hospitals may, for example, obtain additional allotments to meet the dietary needs of patients. An institutional user whose operations increase substantially during an allotment period, and whose allotment is not large enough to cover the increase, may get a supplemental allotment. Provision is made for emergency allotments, in cases of public disasters such as fires, floods and similar emergencies, when sufferers must be fed.

The order thus aims to achieve maximum flexibility and to take care, as far as possible, of all cases of legitimate need. However, the need must, of course, be of a type which can properly be recognized in the light of the scarcity of rationed foods and the necessity of fair control over their distribution and use.

§ 1305.202 *Food rationing for institutional users.*—Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942, Directive No. 1 and Supplementary Directives No. 1–E, 1–M, and 1–R of the War Production Board, issued on January 24, April 21, September 12, and November 20, 1942, repectively, Executive Order No. 9280, issued by the President on December 5, 1942, and Food Directive No. 1, issued by the Secretary of Agriculture on January 16, 1943, General Ration Order No. 5 (Food Rationing for Institutional Users), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1305.202, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77 Cong.; E.O. 9125, 7 F.R. 2719, E.O. 9280, 7 F.R. 10179, WPB Dir. 1, Supp. Dir. 1–E, 1–M, and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively, Food Dir. 1, 8 F.R. 827.

GENERAL RATION ORDER NO. 5 [1]—FOOD RATIONING FOR INSTITUTIONAL USERS

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Article I—Users and Establishments Covered by Order

SECTION 1.1 *What is an institutional use?* (a) Any use by a "person" of a "rationed food" in the preparation of food which he serves to consumers, or in the service of food to consumers, is an "institutional use." However, such use of rationed food in a household is not an institutional use unless an average of seven or more people a day are served there, not counting those who maintain the household, the members of their family, and their employees and servants.

(b) Any use of a rationed food for producing an article which is not a rationed food and which is not to be served by the person who uses it, is an industrial and not an institutional use. (For example, if processed foods and sugar are used at a bakery to bake pies which it sells to consumers, such use is an industrial use since the bakery does not "serve" the pies. If at the same place, pie is served to consumers who eat there, the use of rationed foods to make such pie is an institutional use.)

SEC. 1.2 *What is an institutional user establishment?* (a) Any place where there is an institutional use of rationed foods is an "institutional user establishment."

(b) If the person who prepares the food does not serve it at a fixed location, the term "institutional user establishment" refers to his institutional use of food, and not to the place at which he happens to be serving it at any given time. (For example, a caterer, or a person who prepares food and serves it from a mobile canteen or from a railroad dining car may have no fixed location at which he serves the food. In that case, this operation is regarded as his institutional user establishment.)

(c) If a person prepares food at one place and serves it at another fixed place, any rationed food used in its preparation is considered used in the establishment where he serves it.

(d) If a person prepares food at a place where no food is served, and then serves that food somewhere else, the place where it is prepared is not an institutional user establishment. (For example, if a person prepares food at a central kitchen where no food is served, and then sends it to his restaurant for service there, the kitchen is not an institutional user establishment, but the restaurant is.)

(e) The same place may be both an industrial user establishment and an institutional user establishment. (For example, if a bakery uses sugar to bake pies which it does not serve to consumers, and also to bake pies which are served to consumers who eat there, the bakery is both an industrial user establishment and an institutional user establishment.)

SEC. 1.3 *Who is an institutional user?* (a) Any person who makes an institutional use of a rationed food is called an "institutional user."

Article II—Groups of Institutional User Establishments

SEC. 2.1 *Institutional user establishments are divided into three groups.* (a) Institutional user establishments are divided into three groups:

(1) A "pooled book" group, called Group I;

(2) An "involuntary confinement" group, called Group II;

(3) A "general" group, called Group III.

(b) Establishments in Group I do not receive allotments of rationed foods, but may obtain those foods for preparation and service through the use of the "war ration books" of the persons eating there. Establishments in the other groups are given allotments of rationed foods.

SEC. 2.2 *Group I establishments and users.* (a) An institutional user establishment is in Group I if:

(1) Food is served in that establishment to persons who live there or who live in premises maintained by the institutional user in connection with it; and

(2) Fewer than fifty (50) persons, on the average, lived in the establishment (or in the premises maintained in connection with it), during December 1942; and

(3) Eighty percent (80%) or more of the food services in the establishment during December 1942, were to persons who lived there (or in the premises maintained in connection with it) for seven consecutive days or more and who had eight or more meals a week there. In making the above determinations, members of the family, employees and servants must be included.

(b) Institutions of involuntary confinement (such as prisons, insane asylums and homes for delinquents) and also lake steamers, fishing vessels, tugs, barges, and other ships, are not in Group I even if they meet the above tests.

(c) If an institutional user establishment was not in operation during December 1942, its figures during its last full calendar month of operation after January 1, 1942, are used for determining whether it is a Group I establishment. Its figures for that month are to be treated, for this purpose, just as if they were for December 1942.

(d) An institutional user may, if he desires, register and operate any of his institutional user establishments as a Group I establishment. (However, if he does so, he must operate it on a "pooled book" basis and he cannot get an allotment for that establishment.)

(e) Any institutional user who has an establishment in Group I is called a Group I institutional user with respect to that establishment.

SEC. 2.3 *Group II establishments and users.* (a) An institutional user establishment is in Group II if it is operated as a prison, jail, insane asylum, home for delinquents or other institution of involuntary confinement.

(b) Any institutional user who has an establishment in Group II is called a Group II institutional user with respect to that establishment.

SEC. 2.4 *Group III establishments and users.* (a) All institutional user establishments not covered by sections 2.2 or 2.3 are in Group III. In addition, any lake steamer, fishing vessel, tug, barge, or other ship, is in Group III.

(b) Any institutional user who has an establishment in Group III is called a Group III institutional user with respect to that establishment.

SEC. 2.5 *Institutional users who have establishments in more than one group.* (a) An institutional user who has establishments in more than one group is treated separately for each group. For the purposes of this order, he is treated as a separate person for each group (except for certain purposes in connection with registration and application for allotments).

Article III—*Registration and Opening Inventory of Institutional Users*

SEC. 3.1 *Institutional users must register at board.* (a) Every institutional user must register with the Office of Price Administration, on OPA Form R–1307, at any time from March 1 to March 10, 1943, inclusive, or at such other time or times as may be designated by the Deputy Administrator in Charge of Rationing. (Seasonal users see section 10.1.)

(b) Two copies of the registration form must be completed and signed by the institutional user or his authorized agent, and must be filed with the board for the place where his principal business office is located. He must give all information called for by the form. He must retain a third copy at all times at his principal business office.

(c) If an institutional user has establishments in more than one group, he must give the information called for by the form separately for each group.

(d) An institutional user who has more than one institutional user establishment must either combine all his establishments in a single registration, or must file a separate registration form for each of them. He may not combine some and register others separately. If he registers his establishments separately, the registration form for each establishment must be filed with the board for the place where that establishment is located, and the third copy must be retained at all times at that establishment. If he combines all his establishments in a single registration, he must attach to the form a list of his establishments, showing the name and address of each and the group to which it belongs. However, if he operates mobile conveyances (such as ships, airplanes, dining cars or mobile canteens), he need not list them but he must describe on the form the types he operates.

(e) If an institutional user who has more than one institutional user establishment registers them separately, each establishment is to be treated separately, for all the purposes of this and any other

food ration order, just as if it were operated by a different person. This rule applies to all operations under this order, except where specific provision to the contrary is made for establishments which are separately registered.

SEC. 3.2 *Institutional users must report their opening inventory of processed foods.* (a) As part of his registration on OPA Form R–1307, every institutional user must report the point value of his inventory of "processed foods" at the close of business on February 28, 1943. (This inventory is called his "opening inventory" of processed foods.) If he files a combined registration for institutional user establishments in more than one group, he must report separately the total inventory of his establishments in each group.

(b) An institutional user's opening inventory of processed foods consists of all processed foods in the inventory of his institutional user establishment. The inventory of an establishment includes all processed foods physically located at or in transit to it, except:

(1) Processed foods stored there for another person, or held there as security for a loan or similar transaction, or in transit to it for either of those purposes; and

(2) Processed foods included in the inventory of any other establishment under Ration Order No. 13 (processed foods ration order).

(c) An institutional user's opening inventory of processed foods also includes all processed foods which he holds at or which are in transit to any place other than his institutional user establishment, for his institutional use. However, processed foods included in the inventory of any other establishment, under Ration Order No. 13, must not be reported as part of his opening inventory.

(d) If an institutional user has more than one establishment, or if he has establishments in more than one group, processed foods which are physically located at or in transit to an establishment must be included in the inventory of that establishment or, if he has registered his establishments together, of the group to which it belongs. However, any other processed foods in his inventory may be divided among his establishments as he chooses.

(e) An institutional user's opening inventory of processed foods does not include any held for personal or family use. (These must, however, be declared, to the extent required, in an application for War Ration Book Two.)

(f) The point value of an institutional user's inventory of processed foods at the close of business on February 28, 1943, is to be computed in the following way:

(1) The amount in pounds in each of the following classes is determined:

(i) Canned and bottled;
(ii) Frozen;
(iii) Dried and dehydrated.

(2) The amount in each class is multiplied by a factor fixed by the Office of Price Administration (in a supplement to this order) to represent the average point value of processed foods in that class.

(3) The resulting figures are added, and the total is the point value of his processed foods inventory.

SEC. 3.3 *Opening inventory of sugar and coffee.* (a) At the time of an institutional user's registration, the amounts of sugar and coffee, as of February 28, 1943, which the board or boards with which he has registered for sugar and coffee would have been required to deduct from certificates issued for his future institutional user allotments or allowances under Ration Orders No. 3 and 12 (sugar and coffee rationing regulations) shall be his "opening inventory" of sugar and coffee. If the institutional user was registered at a board or boards other than the one with which he is now registering, he shall notify the latter board of the address of the board or boards with which he was registered and of his opening inventories of sugar and coffee at each of those boards.

(b) If an institutional user has establishments in more than one group, his opening inventory of sugar and coffee may be divided between the groups as he chooses. If he has more than one establishment in a group, and registers them separately, his opening inventory of sugar and coffee may be divided among them, as he chooses.

(c) An institutional user who registered on OPA Form R–310, as both an industrial and an institutional user of sugar, may divide his opening inventory of sugar between these uses in proportion to his use of sugar in each.

SEC. 3.4 *Late registration.* The board may, in its discretion, permit an institutional user to register after March 10, 1943. In such case, except for good cause shown, the allotment shall be reduced by an amount corresponding to the part of the period which has elapsed at the time of registration and no allotment shall be granted for any allotment periods which have expired prior to registration.

Article IV—Group I Institutional Users

SEC. 4.1 *Group I institutional users get rationed foods by using "pooled" war ration books.* (a) Institutional users are not entitled to allotments of rationed foods for establishments in Group I. They may, however, get rationed foods for the preparation or services of food in Group I establishments through the use of the war ration books of the individuals eating there. The books of these individuals may be "pooled" with the institutional user, who may act as their agent in acquiring rationed foods for service to them. Individuals eating in a Group I establishment may make such arrangement for the use of their war ration books by the person operating the establishment as may be mutually satisfactory. (However, they are not required to give up their books to him.)

SEC. 4.2 *Group I user must account for opening inventory.* (a) An institutional user who had an opening inventory of a rationed food for his Group I establishment must not buy or acquire any more of that rationed food until he gives up to the board currently valid stamps or certificates received by him, equal to that opening inventory. Only stamps taken from the war ration books of individuals eating in his establishment and only certificates received from those individuals may be given up by him.

(b) However, upon application on OPA Form R–315, showing that the applicant's opening inventory of processed foods and the stamps and certificates which he would have after giving up stamps or certificates equal to his opening inventory will not provide him with a reasonable quantity of particular types of processed foods needed in the operation of his establishment, the board may authorize him to retain stamps or certificates to enable him to acquire a reasonable quantity of those types of processed foods, and to surrender stamps or certificates of an equal point value at such future dates as may be fixed by the board. (For example: An applicant may have an opening inventory of 1,000 points consisting entirely of canned soups. The total point value of currently valid stamps and certificates of individuals eating in his establishment, which he can surrender to the board, may be 1,000 points. If he surrendered those certificates and stamps he would be unable to acquire canned vegetables. In such case the board may permit him to retain 200 points for the purchase of canned vegetables, if he needs them in the operation of his establishment. The board can require the surrender of those 200 points at the beginning of subsequent periods of validity of stamps.)

Article V—Allotments for Group II and III Users

SEC. 5.1 *Group II and III users are entitled to allotments.* (a) Institutional users are entitled to allotments of rationed foods for establishments in Group II and III. (An institutional user who is a roaster of green coffee under Ration Order No. 12 may be entitled not only to an allotment under this order but also to an allowable inventory as a roaster under Ration Order No. 12. As a roaster, he is also required to comply with the provisions of Ration Order No. 12 applicable to roasters.)

SEC. 5.2 *Allotments are given for two month periods.* (a) Allotments for Group II and III institutional users are given for two month periods. The first allotment period is from March 1, 1943 to April 30, 1943, inclusive. Each consecutive two month period which follows is an allotment period.

SEC. 5.3 *Group II and III users must apply for allotments.* (a) An institutional user in Group II or III must apply for an allotment for each period for which he needs one. (An institutional user in these groups may use rationed foods only up to the amounts of the allotments he gets. His allotment establishes his right to use rationed foods—it is not just a method by which he gets those foods. Therefore, he may need an allotment even if his stocks on hand are adequate.)

(b) An institutional user's registration on OPA Form R–1307 is treated as an application for allotments for the first allotment period. His application for allotments for later periods must be made to the board, on OPA Form R–1309,

in person or by mail. That application must be filed not more than fifteen (15) days before, nor more than five (5) days after, the beginning of the period.

(c) The board may, in its discretion, permit an application for an allotment to be made later than the time fixed in the last paragraph. In such case, it shall reduce the allotment by an amount corresponding to the part of the allotment period which has elapsed at the time of application.

Article VI—Computation of Allotment for Group II Users

SEC. 6.1 *Allotment is Computed on Basis of Number of Persons Served.* (a) An institutional user's allotment for establishments in Group II is based on the number of persons to whom he served food there. In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served. (For example, a person who was served on 30 separate occasions is to be counted as if he were 30 persons.)

SEC. 6.2 *Amount of allotments for each of the first two allotment periods.* (a) The allotment of each rationed food for each of the first two allotment periods is computed in the following way:

(1) The number of persons served during December 1942 is multiplied by the "allowance per person" fixed for that food by the Office of Price Administration, as set forth in the supplement to this order;

(2) The result is multiplied by two (since the allotment is for two months);

(3) The figure obtained is the allotment.

SEC. 6.3 *Amount of subsequent allotments.* (a) The allotment of each rationed food for each subsequent allotment period (after the second period) is computed in the following way:

(1) The number of persons served during the first two of the three calendar months preceding the allotment period is determined;

(2) That number is multiplied by the allowance per person fixed for that food;

(3) The figure obtained is the allotment.

Article VII—Computation of Allotment for Group III Users

SEC. 7.1 *Group III users have a "base" for each rationed food.* (a) An institutional user has a "base" for each rationed food, for his establishments in Group III. That "base" is determined in the following way:

(1) The amount of rationed food he used there during December 1942 is multiplied by the "December use factor" fixed for that food by the Office of Price Administration, as set forth in the supplement to this order;

(2) The total number of persons he served there during December 1942, is multiplied by the "allowance per person" fixed for that food by the Office of Price Administration, as set forth in the supplement to this order;

(3) The smaller of the two figures obtained under (1) and (2) above is his "base" for that rationed food.

(b) In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served. (For example, a person who was served on 30 separate occasions is to be counted as if he were 30 persons).

(c) In counting the number of persons served and in determining the amount of rationed food used during December 1942, food service to Army, Navy, Marine Corps or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer, is not to be included.

(d) The amount of sugar and coffee used is figured in pounds. The amount of processed foods used is figured in points and their point value is to be computed in the same way as the point value of the opening inventory of processed foods. (This computation is covered by section 3.2 (f)). In determining December use of coffee, the weight of any substances or substitutes, such as, but not limited to, chicory, cereal, peas, or beans, which the institutional user mixed, blended or compounded with the coffee used by him, is not to be included.

SEC. 7.2 *The allotment for each of the first two periods is twice the base.* (a) An institutional user's allotment of each rationed food for each of the first two allotment periods, for his establishments in Group III, is twice his base for that food. (It is twice the base because the allotment period is two months, while the base was determined by his figures for only one month of operation.)

SEC. 7.3 *Computation of allotments for subsequent periods for institutional users who charge for food services.* (a) If an institutional user charges for food service, and did charge during the month used in determining his base, his allotment of each rationed food for any subsequent allotment period (after the second period) for his establishments in Group III, is determined by comparing his volume of business during December 1942 with his volume during the first two of the three calendar months preceding the allotment period.

(b) If the number of persons he served during the first two of the three calendar months preceding the allotment period is less than two times the number he served in December 1942, his allotment of a rationed food is computed in the following way:

(1) The number of persons he served during those first two months is divided by the number he served during December 1942;

(2) The figure so obtained is multiplied by his base for that food;

(3) The result is his allotment.

(c) If the number of persons he served and his dollar revenue during the first two of the three calendar months preceding the allotment period are both more than two times his corresponding figures for December 1942, his allotment of a rationed food is computed in the following way:

(1) The number of persons he served during those first two months is divided by the number he served in December 1942;

(2) His dollar revenue for those first two months is divided by his dollar revenue for December 1942;

(3) The smaller of the two figures obtained under (1) and (2) above is multiplied by his base for that food;

(4) The result is his allotment.

(d) In all other cases, his allotment of a rationed food is two times his base for that food.

(e) In counting the number of persons served and in determining his dollar revenue, food service to Army, Navy, Marine Corps or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer is not to be included.

(f) Where an institutional user makes a combined charge for food and lodging or for food and other services, his dollar revenue is computed by determining how much of the total charge reasonably covers the service of food and non-alcoholic beverages. (However, if the combined charge covers entertainment, that part of the charge is included in dollar revenue.) If a determination has been made under any maximum rent regulations of the Office of Price Administration, of the part of the total charge which is for rent, that determination shall be used for the purposes of this paragraph.

SEC. 7.4 *Computation of allotments for subsequent periods for institutional users who do not charge for food services.* (a) If a Group III institutional user does not charge for food service, or did not charge during the month used in determining his base, his allotment of each rationed food for any subsequent allotment period (after the second period), for his establishments in Group III, is twice his base for that food. However, if the number of persons he served during the first two of the three calendar months preceding the allotment period is less than twice the number he served in December 1942, the allotment is computed in the following way:

(1) The number of persons he served during those first two months is divided by the number he served in December 1942.

(2) The figure so obtained is multiplied by his base for that food;

(3) The result is his allotment.

NOTE: A Group III institutional user may not, under this section, obtain an increased allotment for a Group III establishment which made no charge for food services.

Article VIII—Institutional Users Who Did Not Operate During All or Part of December 1942

SEC. 8.1 *Institutional users who operated during only part of December 1942.* (a) If a Group II or III institutional user operated his establishment for only part of December 1942 the figures which determine his base and his allotments are to be converted to a full December basis, in the following way:

(1) The number of persons served and, in the case of a Group III user, the amount of rationed food used and his dollar revenue, during December 1942, are divided by the number of days he operated or was open for business during that month;

(2) The results are multiplied by the number of days he would have operated or would have been open for business during December 1942 if it had been a normal month of operations;

(3) The figures so obtained are treated as his figures for December 1942, for all the purposes of this order, just as if those were his actual figures.

SEC. 8.2 *Institutional user who did not operate in December 1942.* (a) If a Group II or III institutional user did not operate his establishment during any part of December 1942, but did do so at any time between January 1, 1942 and February 28, 1943, the figures which determine his base and his allotments are taken from his most recent period of operations, instead of December 1942.

(b) His base and his allotments are to be based on the number of persons he served and, in the case of a Group III user, the amount of rationed food used and his dollar revenue, during his last full calendar month of operation between January 1, 1942 and February 28, 1943. If he did not operate for a full calendar month, his allotments are to be based on his actual figures for the last calendar month in which he operated. However, if the last calendar month was February 1943, his actual figures shall be converted to a full month basis in the way provided in section 8.1 for institutional users who operated during only part of December.

(c) The figures referred to in paragraph (b) are used, instead of his December figures, for all the purposes of this Order. His base and his allotments are determined on the basis of those figures, just as if they were for the full month of December 1942.

Article IX—Issuance of Certificate

SEC. 9.1 *Institutional users may get certificates for their allotments.* (a) An institutional user who is given an allotment of a rationed food is entitled to a certificate for the amount of his allotment (except as provided in section 9.2).

(b) If his opening inventory of a rationed food is less than his allotment of that food for the first allotment period, he is entitled to receive a certificate for the difference. He will then be entitled, for each subsequent allotment period, to a certificate for the amount of his allotment for that period.

(c) Only one certificate is to be issued, regardless of the size of the allotment. Certificates for pounds shall not be issued in fractions of pounds, but shall be issued to the nearest pound.

(d) If an institutional user has establishments in more than one group, his opening inventory and his allotments are determined separately for each group and he is to receive a separate certificate for each group. If he has registered his establishments separately, his opening inventory and his allotments are determined separately for each establishment and he is to receive a separate certificate for each.

(e) An institutional user who will not need his full allotment should apply for a certificate only in the amount which he will actually need.

SEC. 9.2 *No certificate may be issued to an institutional user who has excess inventory.* (a) If an institutional user's opening inventory of a rationed food is larger than his allotment of that food for the first allotment period, the difference is "excess inventory". He is not entitled to a certificate for the first allotment period. He may not be given a certificate until the total of his subsequent allotments exceeds his excess inventory, at which time he may get a certificate for the difference.

SEC. 9.3 *Certificate may be issued in certain cases to institutional users who have unbalanced stocks.* (a) Upon application on OPA Form R-315 by a Group II or III institutional user whose opening inventory of processed foods is more than half of his first allotment and whose inventory (together with the certificate, if any, issued to him for the first allotment period) will not provide him with a reasonable quantity of particular types of processed foods needed in the operation of his establishment or establishments, the board may issue a certificate to him to enable him to acquire a reasonable quantity of those types of processed foods. However, the amount of the certificate issued to him pursuant to this paragraph (together with any other certificate, if any, issued to him for the first period) shall not exceed fifty (50) percent of his first allotment, regardless of the period in which application is made. Issuance of a certificate pursuant to this paragraph shall not be deemed to be an increase in the allotment. The amount of the certificate is added to the applicant's excess inventory (or, if he has no excess inventory shall be treated as excess inventory).

Article X—Seasonal Users

SEC. 10.1 *Seasonal users.* (a) A Group II or III institutional user is a seasonal user with respect to an establishment which is not in operation during every month in the year. However, if he has more than one establishment in Group II or III and his establishments are registered together, he is a seasonal user with respect to establishments in either group only if there is some month in the year in which he operates no establishment in that group.

(b) A seasonal user who is not in operation between March 1 and March 10, 1943 inclusive, may register either between those dates, or at any time prior to resuming operations. His registration constitutes an application for an allotment for the first allotment period in which he will operate. If he registers between March 1 and March 10, 1943, the board may, at his request, issue a certificate to him when he resumes operations, instead of at the time of registration.

(c) His application for an allotment for any subsequent allotment period in which he will operate must be filed not more than fifteen (15) days before, nor more than five (5) days after, the beginning of the period. However, when he suspends operations he may apply for an allotment for the allotment period following the date on which he suspends operations, even though he will not be in operation during that period. The allotment to which he would be entitled for that period is to be used as his allotment for the period in which he resumes operations. The board may, at his request, issue a certificate to him when he resumes operations, instead of at the time of the application.

(d) Until a seasonal user has operated in at least three calendar months after February 28, 1943, his allotment for each rationed food shall be twice his base for that food, except that:

(1) If his base was determined on a full calendar month of operation (or by conversion to a full calendar month basis of his figures for part of December 1942 or February 1943) and he will not be in operation during the entire allotment period, he shall notify the board of the number of days he will not be in operation during that allotment period. His allotment shall be equal to twice his base reduced by an amount corresponding to the part of the period during which he will not be in operation; and

(2) If his base was determined on his actual figures for part of a month only (not converted to a full calendar month basis) and he will operate in any allotment period less than twice the number of days he operated during the month used to determine his base, he shall notify the board of the number of days he was in operation during the month used in determining his base and of the number of days he will be in operation during the allotment period. His allotment shall be computed by multiplying his base by the number of days that he will be in operation during the allotment period and then dividing the result by the number of days he was in operation during the month used in determining his base.

(e) After a seasonal user has been in operation in three calendar months after March 1, 1943, his allotments shall be determined in accordance with section 6.3, 7.3, or 7.4, whichever is applicable. In computing his allotments, the calendar months in which he was not in operation shall be disregarded and the months in which he was in operation shall be treated as if he operated continuously. For example, a seasonal user may operate only from August 15 to September 15 and from December 15 to February 28. His January-February allotment will be based on his actual operations in August and September. (That is, from August 15 to September 15—the first two of the three calendar months preceding the allotment period.)

SEC. 10.2 *Seasonal liquidation of inventory.* (a) Notwithstanding any provisions to the contrary in any ration order, an institutional user in Group II or III who operates on a seasonal basis may, when he completes his season, transfer his remaining inventory of rationed foods to a retailer or wholesaler in exchange for stamps, certificates or ration checks.

(b) He shall turn in to the board for cancellation the stamps, certificates or ration checks received by him and notify the board of the name and address of the transferee. However, if he has an account for a rationed food, he shall deposit such stamps, certificates and ration checks received for that food and he

shall issue to the board a certified check in the amount of the stamps, certificates and ration checks so deposited. When he next resumes operations, the board shall issue to him, if he so requests, a certificate for each rationed food in the amount for which he surrendered stamps, certificates or ration checks for that food.

Article XI—Supplemental Allotments

SEC. 11.1 *Group II and III users may get supplemental allotments if operations increase.* (a) If an institutional user finds that, because of increased operations, the allotment of any rationed food for his establishments in Group II or III will be exhausted before the end of the current allotment period, he may apply for a supplemental allotment. The application must be made to the board on OPA Form R–315. However, an institutional user is not entitled to a supplemental allotment for establishments in Group III if he does not charge for food, or did not charge during the month used in determining his base.

(b) The application must show the number of persons he served from the beginning of the current allotment period to the date of the application. In the case of a Group III user, it must also show his dollar revenue during that period.

SEC. 11.2 *Supplemental allotment for Group II user.* (a) In the case of an application by a Group II user for a supplemental allotment for the first or second allotment period, the board shall grant the supplemental allotment only if it finds that the number of persons he will serve, during the allotment period in which the application is made, will be more than twenty (20) percent larger than twice the number he served during December 1942. The supplemental allotment is to be computed as follows:

(1) The number of persons he served during December 1942, is multiplied by two;

(2) The resulting figure is subtracted from the total number he will serve during the current period;

(3) The difference is multiplied by the allowance per person for the rationed food for which the application is made;

(4) The result is the supplemental allotment to be granted.

(b) In the case of an application by a Group II user for a supplemental allotment for a subsequent allotment period (after the second period), the board shall grant the supplemental allotment only if it finds that the number of persons he will serve during the allotment period in which the application is made, will be more than twenty (20) percent larger than the number he served during the first two of the three calendar months preceding that period. The supplemental allotment is to be computed in the following way:

(1) The number of persons he served during those first two months is subtracted from the total number he will serve during the current period;

(2) The difference is multiplied by the allowance per person for the rationed food for which the application is made;

(3) The result is the supplemental allotment to be granted.

SEC. 11.3 *Supplemental allotment in first two periods for Group III user.* (a) If a Group III user applies for a supplemental allotment for the first or second allotment period the Board shall grant the supplemental allotment only if it finds that both:

(1) The number of persons he will serve during the allotment period in which the application is made, will be more than twenty (20) percent larger than twice the number he served during December 1942; and

(2) His dollar revenue during the allotment period in which application is made will be more than twenty (20) percent larger than twice his dollar revenue during December 1942.

(b) His supplemental allotment of a rationed food is to be computed in the following way:

(1) The amount of the estimated increase in the number of persons he will serve is divided by twice the number he served during December 1942;

(2) The amount of the estimated increase in his dollar revenue is divided by twice his dollar revenue for December 1942;

(3) The smaller of the two figures obtained in (1) and (2) above, is multiplied by his allotment of the rationed food for the period in which application is made;

(4) The result is the supplemental allotment to be granted.

SEC. 11.4 *Supplemental allotment for subsequent periods, for Group III user.* (a) If a Group III user applies for a supplemental allotment for a subsequent allotment period (after the second period) the board shall grant the supplemental allotment only if it finds that both:

(1) The number of persons he will serve during the current allotment period will be more than twenty (20) percent larger than the number he served during the first two of the three calendar months preceding that period; and

(2) His dollar revenue during the current period will be more than twenty (20) percent larger than his dollar revenue during those first two months.

(b) His supplemental allotment of a rationed food is to be computed in the following way:

(1) The amount of the estimated increase in the number of persons he will serve is divided by the number he served during those first two months.

(2) The amount of the estimated increase in his dollar revenue is divided by his dollar revenue for those first two months;

(3) The smaller of the two figures obtained in (1) and (2) above, is multiplied by his allotment of the rationed food for the current period;

(4) The result is the supplemental allotment to be granted.

SEC. 11.5 *Applicant accounts for supplemental allotment when applying for subsequent allotment.* (a) If an institutional user has received a supplemental allotment of a rationed food during the first or second allotment period, it is added to his original allotments for those periods. If the total of his allotments during those two periods is larger than twice the allotment to which he is entitled for the third period, the difference must be deducted from the allotment for the third period.

(b) If an institutional user has received a supplemental allotment of a rationed food during an allotment period after the second period it is added to his allotment for that period. If the sum is larger than the allotment to which he is entitled for the next period, the difference must be deducted from that allotment.

(c) The provisions of this section do not apply to supplemental allotments granted under section 11.6.

SEC. 11.6 *Supplemental allotments for hospitals.* (a) An institutional user who operates a hospital or other establishment engaged in the care and treatment of the sick may apply for a supplemental allotment of a rationed food, if needed to meet the dietary requirements of the persons living and receiving care there. Application must be made to the board on OPA Form R–315. It must contain a statement by the physician in charge of the establishment showing the reason why a supplemental allotment is required and the additional amount of the rationed food needed for that purpose.

(b) The board shall grant a supplemental allotment in the amount which it finds necessary to meet the dietary requirements of the persons living and receiving care in the establishment.

(c) An institutional user who has received a supplemental allotment under this section must report at the end of the allotment period in which it was granted, the amount, if any, which was not used for such purpose during that period. That amount shall be treated as excess inventory.

Article XII—Emergency Allotments and Adjustments

SEC. 12.1 *Emergency allotments may be obtained to meet public emergencies.* (a) Upon the occurrence or imminence of a public disaster, such as a flood, fire or tornado, any institutional user or other person who feeds or is about to feed people who require assistance because of the disaster, may apply for an emergency allotment of any rationed food needed for that purpose. The application may be made to any board, on OPA Form R–315. The applicant must describe the nature of the public emergency, the number of people he is feeding or will feed during that emergency, and the amount of the allotment he needs.

(b) If the board finds that the applicant needs an allotment of rationed food for the purposes described in paragraph (a) above, it may grant the application and give him an allotment in the amount it finds necessary for those purposes. It shall issue a certificate for the amount of the allotment.

(c) Within thirty (30) days after he has received the allotment, the applicant must report to the Board which issued the certificate the amount of the allotment he used for those purposes, and must return to that board certifi-

cates, ration checks, or stamps for any amount not so used. However, if the board finds that the emergency still exists, it may allow him to account at a later date.

SEC. 12.2 *Petitions for adjustment or for other relief.* (a) Any institutional user may petition the board, for an adjustment of his base or allotment, or for any other relief. The petition shall state the name and address of the petitioner, the nature of the relief he seeks, the grounds on which the relief is sought, and any other relevant facts. The board may request any additional information it considers pertinent. Within ten (10) days after receiving the petition the board shall send it, together with all evidence and information received, to the district office. The board may attach to the petition its recommendation concerning the action to be taken.

(b) The district office shall not act upon the petition (unless authorized by the Washington Office to do so) but shall forward it, together with all other material received from the board, to the Washington Office for appropriate action. The petitioner may be requested to furnish further information and to appear personally.

Article XIII—New Institutional Establishments

SEC. 13.1 *New Group I establishment.* (a) Any person may operate a new Group I establishment if he first registers it by giving written notice to the board of his intention to do so. The notice must give the name and address of the establishment and his inventory of rationed foods, if any, for that establishment. (He shall not include in the inventory any rationed foods previously included in the inventory of any other establishment or any rationed foods acquired by him in exchange for stamps or certificates.) That inventory shall be his opening inventory for that establishment.

SEC. 13.2 *New Group II establishments which are registering separately.* (a) A person who desires to operate a new Group II establishment and who has no Group II establishment, or who has two or more institutional user establishments which have been registered separately, must register the new establishment by filing OPA Form R–315. He must state on the form the address of the proposed establishment, the date on which he will commence operations, the number of persons he expects to serve during the allotment period in which he commences operations and his inventory of rationed foods, if any, for that establishment. (He shall not include in the inventory any rationed foods previously included in the inventory of any other establishment or any rationed foods acquired by him in exchange for certificates or ration checks.) That inventory shall be his opening inventory for that establishment.

(b) If the board is satisfied that the new establishment will be a Group II establishment, it shall grant an allotment for each rationed food for the allotment period in which he commences operations. It shall compute the allotment by multiplying the number of persons which it estimates will be served during that allotment period by the allowance per person for the rationed food.

(c) The institutional user shall, at the end of the period during which he commenced operations, report to the Board the number of persons served by him during that period. If the number is less than the number the board estimated he would serve, the difference shall be multiplied by the allowance per person for each rationed food and the result shall be deducted from his next allotments of that food.

(d) Application for allotments for subsequent periods shall be made on OPA Form R–1309 in accordance with section 5.3.

(e) Allotments for the two periods immediately following the one in which the institutional user commenced operations shall be computed in the following way:

(1) The number of persons he served between the date of registration and the date of his application for an allotment is divided by the number of days he operated between those dates;

(2) The figure so obtained is multiplied by 60;

(3) The result is multiplied by the allowance per person for each rationed food. This figure is his allotment of that food.

(f) Thereafter, allotments shall be computed in accordance with section 6.3.

SEC. 13.3 *New Group III establishments which are registering separately.* (a) A person who desires to operate a new Group III establishment at which a charge will be made for the food served, and who has no Group III establishment, or who has two or more institutional user establishments which have been registered separately, must apply to the board to be registered pursuant to this section.

(b) Application shall be made on OPA Form R–315, on which the applicant shall state:

(1) The proposed location of the establishment;

(2) The date on which he will commence operations;

(3) The type of operation in which he intends to engage (for example, a table restaurant, cafeteria, drugstore lunch counter, industrial canteen, hamburger or hot dog stand);

(4) The seating capacity of the establishment;

(5) His schedule of prices;

(6) Whether he intends to bake his own pies, cakes, bread, and other pastry;

(7) The number of persons he expects to serve there during the allotment period in which he commences operations (other than Army, Navy, Marine Corps or Coast Guard personnel which will be messed under the command of a commissioned or non-commissioned officer); and

(8) His inventory of rationed foods, if any, for that establishment. (However, he shall not include any foods which he reported on any previous declaration of inventory or which he acquired in exchange for certificates or ration checks.) That inventory shall be his opening inventory for that establishment.

(c) The board shall send the application to the district office.

(d) If the district office is satisfied that the new establishment will be a Group III establishment, it shall give the applicant allotments of rationed foods for the allotment period in which he commences operations, and issue any certificates to which he may be entitled. The amount of the allotment of each rationed food for that period shall be determined by the district office on the basis of the manner in which the establishment will be operated, the number of persons which it estimates will be served during that time, and of allotments which have been granted to similar or comparable establishments. However, the allotment shall not be more than the amount obtained by multiplying the allowance per person for that food by the estimated number of persons to be served. After acting on the application the district office shall return the file to the board. Thereafter, applications for allotments shall be made to the board.

(e) When he applies for his second allotments, he shall report to the board on OPA Form R–1307, the number of persons served, the dollar revenue, and his use during the last thirty (30) days of the food items set out in Schedule A of that form. If he has not yet operated for thirty (30) days, he shall report the information for the period he did operate and the figures are to be converted to a full month basis in the manner described in section 8.1. The figures for the last thirty (30) days (or converted to a full month basis) shall be used for such establishment whenever this order refers to use, dollar revenue, or number of persons served during December 1942.

(f) The board shall compute a base for each rationed food (to be used in determining the amount of allotments for the periods following the one in which he commenced operation) in the following way:

(1) The allotment of each rationed food given by the district office is divided by the number of persons the district office estimated he would serve and the result is multiplied by the number of persons served during the last 30 days computed in accordance with paragraph (e) of this section.

(2) The figure obtained shall be his base. However, if his use of the rationed food during those 30 days is less than that figure, the amount he used shall be his base for that food.

(g) The allotment for each rationed food for the allotment period following the one in which he commenced operations shall be twice the base for that food. It shall also be twice the base for the next period if, at the time application for the allotment is made, the establishment has not been in operation in three calendar months. The allotments for the following periods shall be computed in accordance with section 7.3.

(h) At the end of the period in which he commenced operations, the institutional user shall report to the board (on OPA Form R–1307), the number of per-

sons served during that period. If the number of persons actually served during the period in which the institutional user commenced operations is less than the number of persons which the district office estimated he would serve, he shall be charged with excess inventory in an amount computed in the following way:

(1) The allotment of each rationed food given by the district office is divided by the number of persons the district office estimated he would serve.

(2) The figure obtained is multiplied by the difference between the number of persons actually served and the number of persons which the district office estimated he would serve.

(3) The result shall be treated as excess inventory.

SEC. 13.4 *Combined registration of new Group II and III establishments.* (a) A person who desires to operate a new Group II or III establishment to be registered together with one or more institutional establishments of the same group which he already operates must notify the board of his intention to do so and of the address of the proposed establishment. This shall constitute registration of the establishment on the form already filed for his other establishments. No separate allotment will be granted for the new establishment, but a supplemental allotment may be granted by the board pursuant to section 11.3 or section 11.4 whichever is applicable.

SEC. 13.5 *Where new establishments are registered.* (a) If an institutional user already has two or more establishments which are registered together he shall register a new institutional user establishment together with his other establishments and at the same board. If he already has institutional user establishments registered separately the new establishment shall be registered separately with the board where it will be located. If he has only one other establishment he may elect whether his establishments will be registered together or separately. If he registers them together, registration shall be at the board for the area where his principal office is located. If he registers them separately, registration shall be at the board for the area where the establishment will be located.

Article XIV—Appeals

SEC. 14.1 *Appeals.* (a) Any person directly affected by any action of a board, district office, State director, or regional administrator, under this order, may appeal, in accordance with the provisions of Procedural Regulation No. 9.[3]

(b) This section shall not apply to any action on a petition made pursuant to section 12.2, except action taken by an official who has been authorized by the Office of Price Administration to grant or deny such petition.

Article XV—Acquisition and Use of Rationed Foods

SEC. 15.1 *Acquisition of rationed foods.* (a) An institutional user may acquire a rationed food only in the way provided in the order rationing such food and he shall surrender stamps, certificates, or ration checks and shall issue ration checks in connection with such food, only for the purposes permitted and with the effect provided in such order and, if he has an account, in General Ration Order No. 3A.

SEC. 15.2 *Use of rationed food.* (a) No Group II or III institutional user may use more of any rationed food during an allotment period than his allotments of that rationed food for that period plus any unused part of his allotments for earlier periods and any allotments granted to him for the next period. This restriction does not apply, however, to rationed foods used for food services to Army, Navy, Marine Corps, or Coast Guard personnel messed under the command of a commissioned or noncommissioned officer.

SEC. 15.3 *Restrictions on use of rationed foods and certificates.*—(a) No institutional user may use for any purpose other than an institutional use any rationed food included in his opening inventory, or any rationed food acquired for institutional use.

(b) An institutional user may not transfer to, or use for, any institutional user establishment rationed foods, war ration books, stamps, certificates, ration checks or "ration credits" acquired for another institutional user establishment, unless both establishments are Group II or III establishments, are in the same group and are registered together.

Article XVI—Ration Bank Accounts

SEC. 16.1 *What a ration bank account is.* (a) A ration bank account is very much like an ordinary checking account. An institutional user who opens a ration bank account deposits in it certificates and ration checks issued to him, and issues ration checks drawn on it to transfer ration credits. The rules governing the opening and use of ration bank accounts are contained in General Ration Order No. 3A.[3]

SEC. 16.2 *Who may open accounts.* (a) A Group II or III institutional user may open an account for any rationed food. (A Group I user may not.) The opening of an account for one rationed food will not require him to open an account for any other rationed food.

(b) If the establishments of a Group II or III institutional user are separately registered, he may open separate accounts for any one or more of his establishments without opening accounts for the others. He may not use the same account for more than one establishment.

(c) Any Group II institutional user who has combined his establishments in one registration, may open one account for all his Group II establishments, or a separate account for each or for any combination of them. Any Group III institutional user whose establishments are registered together has the same privilege for his Group III establishments. No account may be opened for, or serve, establishments in more than one group. If an account is opened pursuant to this paragraph for any establishment in Group II or Group III, all other establishments in the same group must also have an account or accounts.

SEC. 16.3 *Use of ration bank accounts.* (a) An institutional user who has an account may deposit in it certificates issued to him only in the form and during the periods prescribed by the order rationing the food for which he has the account. Ration checks issued to him may be deposited at any time.

(b) An institutional user may issue checks drawn on his account only for the purposes permitted and with the effect prescribed by the order rationing the food for which he has the account. Ration credits may be transferred by the use of a ration check, without the delivery of rationed foods, between accounts of establishments in the same group which are registered together.

(c) An account opened by an institutional user may be used only for his operations as an institutional user. It may not be used for his operations in any other capacity, as for example, an industrial user or wholesaler.

Article XVII—Persons Living in Institutional User Establishments

SEC. 17.1 *A person who lives in Group II or III institutional user establishment must give up his war ration books.* (a) A person who lives in any Group II or III institutional user establishment (or in premises maintained in connection with it) for seven consecutive days or more, and who takes eight or more meals a week there, must turn over all his war ration books containing stamps designated for the acquisition of any rationed food, to the institutional user who operates the establishment. If he makes arrangements in advance to live there for seven consecutive days or more and to take eight or more meals a week, he must turn over the books before the week begins. Otherwise he must turn them over as soon as he has lived there for seven consecutive days and has eaten, during that period, eight or more meals.

(b) An institutional user who operates a Group III establishment in which fewer than fifty (50) people regularly live must get the war ration books of all persons who live in the establishment (or in premises maintained in connection with it) for seven consecutive days or more and who eat eight or more meals a week there. He must take the books from any person who makes arrangements in advance, as soon as the week begins. Otherwise, he must get the books as soon as the person has lived there for seven consecutive days and has, during that period, eaten eight or more meals. He may not serve food to any person who does not turn over all his war ration books containing stamps designated for rationed foods, when required to do so by this order.

(c) An institutional user who operates a Group II or a Group III establishment in which fifty or more people live, must accept and hold war ration books which are turned over to him by persons who live there.

(d) An institutional user in Group II or III must remove from any War Ra-

[3] 7 F.R. 8796; 8 F.R. 856, 1838.

[3] 8 F.R. 1130, 1449.

tion Book One turned over to him, sugar and coffee stamps which expire while he has them. He must also remove from any War Ration Book Two eleven points (as nearly as possible) of currently valid stamps for each week during which the person who turned over the book lives in his establishment (or in premises maintained in connection with it) for seven consecutive days and takes eight or more meals there. He must surrender to his board all stamps so removed, at the time of his next application for an allotment and, in any event, not later than five days after the beginning of the next allotment period. He must not use those stamps for any purpose, nor may he deposit them in any ration bank account.

(e) A war ration book shall be returned, temporarily, to the person from whom it was received for use in acquiring any rationed product other than a rationed food product, or for use in obtaining another war ration book.

(f) The war ration books, with stamps detached as required above, must be returned to the person from whom they were received when he leaves the establishment or stops taking eight or more meals a week there.

Article XVIII—Reports and Records

SEC. 18.1 *In general.* (a) All institutional users shall maintain such records and make such reports as this order requires and as the Office of Price Administration may from time to time require. Such records shall be maintained for a period of not less than two years and shall be available during such period for inspection by the Office of Price Administration, through any authorized representative, at any reasonable time.

SEC. 18.2 *Records required.* (a) Every Group II and III institutional user shall maintain records showing by calendar months, for each such group of his establishment, (and, if his establishments are separately registered, for each such establishment) the number of persons served and the dollar revenue.

SEC. 18.3 *Disclosure of information.* (a) Information and documents obtained pursuant to this order will not be disclosed, in response to subpoena or otherwise, to any person other than the person furnishing such information or documents unless the Administrator of the Office of Price Administration (or a representative of the Office of Price Administration designated by him) determines that the requested disclosure is not contrary to law and consents to such disclosure.

Article XIX—Prohibitions

SEC. 19.1 *Prohibitions.* (a) No person shall use points, stamps, war ration books, certificates or ration checks unless he has received them in a way permitted by this or any other order of the Office of Price Administration.

(b) No person shall offer, solicit, attempt or agree to do or assist in doing any act in violation of this order.

(c) No person shall, in any registration, report, application or other statement or record made pursuant to this order make any untrue statement of fact or omit to state any fact which is required to be stated or which is necessary to make any statement not misleading.

Article XX—Enforcement

SEC. 20.1 *Suspension orders.* (a) Any person who violates this order may, by administrative suspension order, be prohibited from receiving any transfers or deliveries of, or from selling or using or otherwise disposing of, any rationed foods or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest to promote the national security.

Article XXI—To Whom This Order Does Not Apply

SEC. 21.1 *To whom this order does not apply.* (a) This order does not apply to the Army, Navy, Marine Corps, Coast Guard, or War Shipping Administration, of the United States, or to ocean going vessels operating in foreign, coastwise, or intercoastal trade acquiring rationed foods as ships' stores for consumption aboard such vessels. (Those users obtain rationed foods in accordance with the ration orders governing such foods.)

(b) The provisions of this order do not apply to the Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development, of the United States, with respect to sugar. (Those users obtain sugar in accordance with Rationing Order No. 3.)

(c) The provisions of this order do not apply to the Maritime Commission of the United States with respect to coffee. (The Maritime Commission obtains coffee in accordance with Ration Order No. 12.)

(d) The provisions of this order do not apply to the Office of Lend-Lease Administration and the Food Distribution Administration, of the United States with respect to processed foods. (Those users obtain processed foods in accordance with Ration Order No. 13.)

Article XXII—Definitions

SEC. 22.1 *Definitions.* When used in this order:

"Account" means a ration bank account carried by a bank, in which the bank keeps a record of deposits of stamps, certificates and ration checks and of transfers of ration credits.

"Acquire" means to get possession or title in any way.

"Allowance per person" means the allowance of a rationed food per person as set forth in the supplement to this order.

"Board" means a war price and rationing board. "The board" means the war price and rationing board with which the institutional user establishment is, or is required to be registered.

"Certificate" means a certificate issued in accordance with Rationing Order No. 3, or Ration Orders No. 12 or 13.

"Coffee" means coffee as defined in Ration Order No. 12.

"District office" means the district office of the Office of Price Administration for the area in which the board with which an institutional user has registered is located, or, if there is no such district office, the State office of the Office of Price Administration in that area.

"Dollar revenue" means gross dollar revenue derived from the service of food and non-alcoholic beverages. Where a combined charge is made for food and lodging or for food and other services, dollar revenue is computed by determining how much of the total charge reasonably covers the service of food and non-alcoholic beverages. (However, if the combined charge covers entertainment, that part of the charge is included in dollar revenue.) If a determination has been made under any maximum rent regulations of the Office of Price Administration, of the part of the total charge which is for rent, that determination shall be used in computing dollar revenue. Dollar revenue does not include revenue derived from food services to Army, Navy, Marine Corps or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer.

"Issue", when used with respect to a ration check, means the delivery of a completed ration check to the person to whose account the ration check is made payable.

"Person" means any individual, corporation, partnership, association, business trust, and includes the United States or any agency thereof, and any state or any political subdivision or agency thereof, and any other government or agency thereof, or any organized group of individuals.

"Processed foods" means processed foods as defined in Ration Order No. 13.

"Ration check" means a check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to the account of a named person.

"Ration credits" means the credits in an account reflecting deposits of stamps, certificates or ration checks.

"Rationed food" means sugar, coffee, or processed foods.

"Stamp" means a stamp in, or taken from a war ration book.

"Sugar" means sugar as defined in Rationing Order No. 3.

"War ration book" means War Ration Book One (OPA Form R-302) or War Ration Book Two (OPA Form R-121).

Article XXIII—Post Exchanges and Ship Service Departments Ashore

SEC. 23.1 *How post exchanges and Ship Service Departments Ashore obtain rationed foods for institutional use.* (a) Army, Navy, Marine Corps, and Coast Guard post exchanges and Ship Service Departments Ashore, which make an institutional use of rationed foods, are not required to register with a board under this order. The Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Coast Guard, and the Marine Corps may, at any time apply to the Washington Office of the Office of Price Administration for allotments of rationed foods for the post exchanges and Ship Service Departments Ashore, for allotment periods, beginning with March 1, 1943. Allotments will be given in accordance with arrangements made with the Office of Price Administration. The Washington Office will

issue one certificate for each rationed food. The amount for which the certificate is issued may be distributed, through the use of ration checks, to the various post exchanges and Ship Service Departments Ashore.

(b) Ration bank accounts may be opened for post exchanges and Ship Service Departments Ashore, at any time after February 20, 1943, in the same manner as ration bank accounts may be opened for other institutional users.

Effective Date

This general ration order shall become effective 12:01 a. m. on March 1, 1943 except that Sections 22.1 and 23.1 shall become effective February 20, 1943.

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2702; Filed, February 18, 1943; 11:56 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 107,[1] Amendment 9]

USED TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new paragraph (c) is added to § 1315.1353a, as set forth below:

§ 1315.1353a *Minimum quality specifications for repaired tires and tubes.* * * *

(c) Notwithstanding any of the provisions of paragraphs (a) and (b) of this section, the minimum quality specifications set forth in Appendix C (§ 1315.1362) shall not apply to used tires or tubes which have been repaired in accordance with written permission from the Office of the Rubber Director, War Production Board, Washington, D. C., to deviate from the minimum quality specifications set forth in Appendix C, for purposes of an experimental program sponsored by that Office. In order for any repaired used tire or tube to be exempt from such minimum quality specifications in accordance with this paragraph, the consumer purchaser must be given, on the sales slip or otherwise, the following written statement: "Experimental tire (or tube). Keep this slip to identify the tire (or tube)." The slip upon which the statement is made must clearly identify the tire or tube by giving the serial number, brand name, and any other pertinent description.

This amendment shall become effective February 24, 1943.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1838, 1981, 2394, 3891, 5177, 7365, 8586, 8799, 8802, 8948; 8 F.R. 1584.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2711; Filed, February 18, 1943; 11:57 a. m.]

PART 1316—COTTON TEXTILES

[MPR 11,[1] Amendment 1]

FINE COTTON GOODS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Section 1316.3 (b) is amended; in § 1316.4 (d) four provisions and footnote 1 of Table I (the twenty-second lawn construction; the fifteenth marquisette construction; the first umbrella cloth construction; the first beat-up construction) and Table III are amended, as set forth below:

§ 1316.3 *To what transactions, fabrics and persons this regulation applies.* * * *

(b) *What fabrics are covered.* This regulation covers:

(1) Any grey fabric (i) made wholly of combed cotton yarns; (ii) made of combed and carded cotton yarns and so constructed that either the warp or the filling consists wholly of combed yarn and/or 50 per cent or more of its total weight content is composed of combed cotton yarns; or (iii) made of rayon[5a] and cotton and so constructed that the fabric contains some combed cotton yarn, except:

(*a*) Fabrics covered by Revised Price Schedule No. 23 as amended; [5b]

(*b*) Fabrics (other than marquisettes) containing colored yarn elsewhere than in the selvage;

(*c*) Cross-bordered handkerchief cloth;

(*d*) Twills;

(*e*) Oxfords;

(*f*) Balloon cloth;

(*g*) Madras made in a weave requiring a dobby loom.

(2) Grey sateens made in whole or in part of combed cotton yarn; and

(3) Unfinished box-loom clip-spot marquisettes and beat-up marquisettes made of combed or carded cotton yarn or any combination thereof.

§ 1316.4 *Maximum prices.* * * *

(d) The maximum prices are as follows:

TABLE I[1]

TYPE AND CONSTRUCTION OF CLOTH	*Cents per yard*
* * * * *	
Lawns:	
* * * * *	
37½"—96 x 92, 5.50	16.53
* * * * *	
Marquisettes:	
* * * * *	
	Cents per yard
40"—52 x 32 (ply filling)	16.32
* * * * *	
Umbrella cloth:	
26"—84 x 108, 6.52	20.05
* * * * *	
Beat-ups (Marquisettes):	
39½"—36 x 16, 5.33 Extra (carded filling)	7.13
* * * * *	

TABLE III

(1) This Table establishes maximum prices for every fabric covered by this regulation for which a specified price is not set forth in or ascertainable from Tables I and II.

(2) Except as provided below the maximum price for fabrics subject to Table III shall be as follows:

Cloths:	*Price (cents per pound)*
Lawn	75
Broadcloths	60
Voiles	75
Dimities	65
Marquisettes	75
Other fabrics	50

(3) For any fabric subject to the poundage maximum prices set forth in (2) above a seller may request the Office of Price Administration to determine a special maximum price in lieu of such poundage price. The request shall contain a complete description of the cloth including:

(i) Fabric name
(ii) Width:
  (*a*) In the reed
  (*b*) Of woven cloth
(iii) Weight of grey cloth (yds. per lb.)
(iv) Cloth count of woven cloth

[1] 8 F.R. 361.

[5a] "Rayon" means fibers chemically produced from cellulose or with a cellulose base by the viscose, acetate or cuprammonium process.

[5b] The following fabrics are covered by Revised Price Schedule No. 23: Any fabric so constructed that 80% or more of its ends by count in the warp shall consist of rayon; any fabric so constructed that 80% or more of its picks by count in the filling shall consist of rayon; any fabric constructed with a plied yarn in the warp and the filling where one of the threads in the ply used in the warp and the filling is rayon yarn, even though the total weight content of the rayon is less than 50% of the total weight of the fabric: and any fabric so constructed that 50% or more of its total weight content is composed of rayon except for fabrics containing 25% or more of wool that are woven on a woolen loom.

[1] Fabrics shall be subject to the yardage prices set forth in Tables I and II rather than to the poundage prices set forth in Table III unless they are over 4% lighter or over 6% heavier than the weights specified, except that for marquisettes and beat-up marquisettes the appropriate yardage price shall apply to all weights of each construction specified.

The maximum prices set forth in Table I shall apply only to fabrics made wholly of combed cotton yarn unless otherwise specified.

For a fabric the same as one of those listed in Table I except for a difference in width not exceeding two inches and a consequent proportionate difference in weight, the maximum price shall be the price shown in Table I adjusted in the ratio which the width of one fabric bears to the other.

(v) Yarn details—for each warp and filling yarn:
  (*a*) Count
  (*b*) Ply
  (*c*) Twist
  (*d*) Percentage to weight of cloth
(vi) Cuts:
  (*a*) Yards per cut for sizing
  (*b*) Yards woven per cut
(vii) Percentage of sizing in cloth
(viii) Loom:
  (*a*) Type
  (*b*) Model
  (*c*) Speed
  (*d*) Percentage of weaving efficiency
(ix) Weave and harnesses required
(x) Number of looms per weaver

Even if such a request has been made the seller may not contract for, demand or receive a price higher than the applicable poundage price appearing in (2) above except under the conditions hereinafter set forth.

(4) For any fabric subject to Table III which is sold or delivered pursuant to a government contract (as defined in § 1316.7):

(i) If the delivery is made prior to March 24, 1943, the maximum price shall be the maximum price in effect on January 6, 1943;

(ii) If the delivery is made (or to be made) on or after March 24, 1943, the seller may charge a price not in excess of the maximum price in effect on January 6, 1943 subject to the following conditions: first, that prior to March 24, 1943 (or within one week of any initial contract of sale made thereafter for such fabric) the seller shall have filed with the Office of Price Administration in accordance with (3) above a request for a special maximum price; and, second, that upon the establishment of a special maximum price the seller shall promptly refund to the purchaser the amount by which the price received exceeds the special maximum price.

(5) For any fabric subject to Table III of a construction sold or delivered by the seller between July 1, 1942 and January 6, 1943, which is sold or delivered pursuant to a contract other than a government contract, a seller who in accordance with (3) above has requested the Office of Price Administration to determine a special maximum price for such fabric may reserve the right to charge the purchaser an amount equal to the difference between the applicable poundage maximum price set forth in (2) above and the special maximum price thereafter established pursuant to the seller's request.

This amendment shall become effective February 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2763; Filed, February 18, 1943; 11:55 a. m.]

PART 1350—EMERGENCY CIVILIAN DEFENSE MATERIALS AND EQUIPMENT

[MPR 321]

FELDSPAR FIRE EXTINGUISHERS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of feldspar fire extinguishers by a separate maximum price regulation.

Feldspar fire extinguishers are a new commodity, the manufacture of which is subject to license by the Department of the Interior under United States Patent No. 2,294,532, issued September 1, 1942.

After consultation with licensees and applicants for licenses in so far as practicable, the Price Administrator has determined that the maximum prices established by this regulation which apply to the sale of feldspar fire extinguishers are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Emergency Price Control Act.

A statement of considerations involved in the issuance of this regulation is issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as Amended, and Executive Order 9250, this Maximum Price Regulation No. 321 is hereby issued.

Sec.

1350.101 Maximum prices for feldspar fire extinguishers.
1350.102 Less than maximum prices.
1350.103 Sales for export.
1350.104 Adjustable pricing.
1350.105 Evasion.
1350.106 Records and reports.
1350.107 Enforcement.
1350.108 Licensing.
1350.109 Petitions for amendment.
1350.110 Applicability of General Maximum Price Regulation.
1350.111 Definitions.
1350.112 Effective date.
1350.113 Appendix A: Maximum prices for feldspar fire extinguishers.

AUTHORITY: §§ 1350.101 to 1350.113, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1350.101 *Maximum prices for Feldspar fire extinguishers.* On and after February 24, 1943, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver vitrescible extinguisher materials packaged and sold as magnesium fire extinguishers in accordance with licenses issued by the Department of the Interior under United States Patent No. 2,294,532, issued September 1, 1942, hereinafter referred to as feldspar fire extinguishers, and no person shall buy or receive feldspar fire extinguishers in the course of trade or business at prices higher than the prices set forth in Appendix A hereof and incorporated herein as § 1350.113, and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

The maximum prices established by this section (§ 1350.101) may be modified by the Price Administrator at any time.

§ 1350.102 *Less than maximum prices.* Lower prices than those set forth in Appendix A of § 1350.113 may be charged, demanded, paid or offered.

§ 1350.103 *Sales for export.* The maximum prices at which a person may sell or deliver feldspar fire extinguishers for export shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [1] issued by the Office of Price Administration July 2, 1942.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5059, 7242, 8829, 9000, 10530.

§ 1350.104 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1350.105 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 321 shall not be evaded whether by direct or indirect methods in connection with a purchase of feldspar fire extinguishers, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1350.106 *Records and reports.* (a) Every person, except a consumer, making purchases or sales of feldspar fire extinguishers on or after February 24, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale, except sales to consumers showing the date thereof, the name and address of the buyer, the price received, and the quantity of each classification and grade sold.

(b) Persons affected by this Maximum Price Regulation No. 321 shall submit such reports to the Office of Price Administration and keep such other records in addition to, or in place of the records required in paragraph (a) of this section as the Office of Price Administration may, from time to time require.

§ 1350.107 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 321 shall be subject to the civil and criminal penalties, civil enforcement actions, and suits for treble damage provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 321 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1350.108 *Licensing*—(a) *License required.* Effective February 24, 1943, a license as a condition of selling is required of every seller subject to the provisions of this Maximum Price Regulation No. 321.

(b) *License granted.* Effective February 24, 1943, or whenever such seller becomes subject to the provisions of this Maximum Price Regulation No. 321, every seller of feldspar fire extinguishers is hereby granted a license as a condition of selling such commodity. Such license shall, unless suspended in accordance

with the provisions of the Emergency Price Control Act of 1942, as amended, remain in effect as long as and to the extent that said regulation or any amendment, supplement, or order thereto remains in effect.

(c) *License suspended.* Effective February 24, 1943, no person whose license to sell feldspar fire extinguishers is suspended in proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942, as amended, shall during the period of such suspension, sell any feldspar fire extinguishers.

§ 1350.109 *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 321, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[2]

§ 1350.110 *Applicability of General Maximum Price Regulation.*[3] The provisions of this Maximum Price Regulation No. 321 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 321.

§ 1350.111 *Definitions.* (a) When used in this Maximum Price Regulation No. 321, the term:

(1) "Consumer" means any person who purchases a feldspar fire extinguisher for use and not for resale.

(2) "Distributor" means any person who purchases a feldspar fire extinguisher for resale.

(3) "Licensee" means any person licensed under United States Patent No. 2,294,532.

(4) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(5) "Wholesaler" means any distributor of feldspar fire extinguishers reselling such extinguishers for resale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1350.112 *Effective date.* This Maximum Price Regulation No. 321 shall become effective February 24, 1943.

§ 1350.113 *Appendix A: Maximum prices for feldspar fire extinguishers.* (See § 1350.111—Definitions) (a) *Sales by licensee*—(1) *Sales to distributor.* This Maximum Price Regulation No. 321 and the General Maximum Price Regulation issued April 28, 1942, shall not apply to sales or deliveries of feldspar fire extinguishers by a licensee to a distributor nor to purchases by a distributor of feldspar fire extinguishers from a licensee.

(2) *Sales to consumer.* The licensee's maximum price on sales to a consumer shall not exceed the licensee's highest price f. o. b. his plant to a distributor plus fifty-four (54) percent thereof, plus transportation charges paid by licensee.

(b) *Sales by distributor.*—(1) *Sales to another distributor.* Distributor's maximum price on a sale to another distributor shall not exceed the purchase price, excluding transportation charges, paid licensee for feldspar fire extinguishers, plus twenty-five (25) percent of such purchase price excluding transportation charges, plus transportation charges paid by distributor: *Provided,* That no amount except transportation charges paid by the seller shall be added to the licensee's selling price where the licensee has agreed with the licensor to act as a wholesaler.

(2) *Sales to consumer.* Distributor's maximum price on a sale to a consumer shall not exceed the distributor's purchase price of feldspar fire extinguishers from his supplier excluding transportation charges, plus an amount not to exceed fifty-four (54) percent of such purchase price excluding transportation charges, plus transportation charges paid by distributor.

(c) *Notification.* On or after February 24, 1943, every licensee and every distributor shall, before or at the time of his first delivery to any distributor, inform such distributor in writing that his maximum price for sales of feldspar fire extinguishers is established by paragraph (b), § 1350.113 of this Maximum Price Regulation No. 321, as follows:

Sales by distributor—(1) *Sales to another distributor.* Distributor's maximum price on a sale to another distributor shall not exceed the purchase price, excluding transportation charges, paid licensee for the feldspar fire extinguishers, plus twenty-five (25) percent of such purchase price excluding transportation charges, plus transportation charges paid by distributor: *Provided,* That no amount except transportation charges paid by the seller shall be added to the licensee's selling price where the licensee has agreed with the licensor to act as a wholesaler.

(2) *Sales to consumer.* Distributor's maximum price on a sale to a consumer shall not exceed the distributor's purchase price of feldspar fire extinguishers from his supplier excluding transportation charges, plus an amount not to exceed fifty-four (54) percent of such purchase price excluding transportation charges, plus transportation charges paid by distributor.

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2712; Filed, February 18, 1943; 11:57 a. m.]

[2] 7 F.R. 8961.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6958, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317.

PART 1358—TOBACCO

[MPR 260,[1] Amendment 5]

CIGARS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1358.103 is amended as set forth below:

§ 1358.103 *Maximum prices set under this regulation cannot be changed.* On or before January 15, 1943, every manufacturer and importer of cigars must establish a maximum list price and a maximum retail price pursuant to this regulation for each brand and size of cigars sold by him. The maximum list price and the maximum retail price in effect on January 15, 1943 and established by a manufacturer of domestic cigars under §§ 1358.102 and 1358.116 Appendix A, or by an importer of imported cigars under §§ 1358.102a and 1358.117 Appendix B, shall be the maximum list price and the maximum retail price respectively of the particular brand or size of cigars in question from that date forward, subject only to adjustments permitted under § 1358.107 (b), (c) and (d); *Provided,* That, at any time before 90 days after the effective date of an amendment to this regulation adjusting or providing alternative maximum list prices and/or maximum retail prices for a domestic cigar of a particular March 1942 retail price class, a manufacturer of such domestic cigar may adjust his maximum list price and/or maximum retail price therefor, as the case may be, as permitted or required by such amendment.

This amendment shall become effective February 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2704; Filed, February 18, 1943; 11:54 a. m.]

PART 1382—HARDWOOD LUMBER

[MPR 313,[2] Amendment 1]

PRIME GRADE HARDWOOD LOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1382.251, paragraph (a) is amended to read as set forth below:

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8997, 10255, 10475, 11113; 8 F.R. 1974.

[2] 8 F.R. 1453.

§ 1382.251 *Sales of prime grade hardwood logs at higher than maximum prices prohibited.* (a) On and after February 6, 1943, regardless of any contract or obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any prime grade hardwood logs at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things. However, if a contract for sale of prime grade hardwood logs was made before February 1, 1943, at prices higher than the maximum prices fixed in this regulation, the buyer or seller may apply by letter to the Lumber Branch, Office of Price Administration, Washington, D. C., for permission to complete (in whole or part) deliveries under the contract, at the contract price, until (but not including) April 1, 1943. The application must include a copy of the contract, or a summary of all the terms of the contract. Permission to complete deliveries under the contract until April 1, 1943, may be granted by letter or telegram.

This amendment shall become effective as of February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2705; Filed, February 18, 1943; 11:54 a. m.]

PART 1389—APPAREL

[MPR 153, as Amended,[1] Amendment 8]

WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1389.12 is amended as set forth below:

§ 1389.12 *Termination date.* This Maximum Price Regulation 153, as amended, shall become inoperative on February 24, 1943, at 12:01 a. m., for all sales at retail and wholesale.

This amendment shall become effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2706; Filed, February 18, 1943; 11:55 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4387, 5869, 7010, 7535, 8946, 10081; 8 F.R. 129, 1139, 1394.

PART 1389—APPAREL

[MPR 330]

RETAILERS' AND WHOLESALERS' PRICES FOR WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for retailers and wholesalers of certain women's, girls' and children's outerwear garments. The maximum prices established by this regulation are in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 330 is hereby issued.

Sec.

1389.551 Scope of this regulation.
1389.552 How to find your ceiling price under this regulation.
1389.553 Explanation of highest price line limitation.
1389.554 How to use the pricing rules.
1389.555 What acts are prohibited by this regulation.
1389.556 Enforcement.
1389.557 Records.
1389.558 Invoices, sales slips and receipts, notification and disclosure to retailers.
1389.559 Relation to the other maximum price regulations.
1389.560 How this regulation may be amended.
1389.561 Geographical applicability of this regulation.
1389.562 Definitions.
Appendix A: What garments must be priced under this regulation.
Appendix B: Example of a pricing chart.

AUTHORITY: §§ 1389.551 to 1389.562, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1389.551 *Scope of this regulation*—(a) *What garments must be priced under this regulation.* A list of the women's, girls' and children's outerwear garments which must be priced under this regulation is given in Appendix A at the end of the regulation. This regulation applies only to the garments which are described in that list. Hereafter, the women's, girls' and children's outerwear garments covered by this regulation are referred to as "garments."

(b) *Kinds of sales which are covered.* This regulation applies to sales by retailers and wholesalers. It does not apply to sales by manufacturers, manufacturing-retailers, custom-tailors or dressmakers. These terms are defined in § 1389.362. If after reading these definitions, you are in doubt as to whether this regulation applies to you, consult the nearest field office of the Office of Price Administration.

(c) *When this regulation takes effect.* This regulation takes effect February 24, 1943. As to garments delivered to you on or after February 24, 1943, you may not sell at higher prices than the ceiling prices set by this regulation. As to garments delivered to you before February 24, 1943, you were required to set your ceiling prices under § 1499.2 (a) of the General Maximum Price Regulation [1] or under Maximum Price Regulation 153, as amended.[2] You may, if you desire, continue to use those ceiling prices for these garments, or you may reprice your garments under the ceilings set in this regulation.

§ 1389.552 *How to find your ceiling price under this regulation*—(a) *Explanation of rules.* You find your ceiling price under this regulation by calculating the markup which you took on garments you delivered during the "base period", and then applying that markup to the cost of the garments you are pricing. You find what the "base period" markup is by using one of the pricing rules which are given in § 1389.554. However, you are not permitted to sell any garment at a higher price than the "highest price line" at which you delivered a garment of the same "category number" in March 1942. (This "highest price line" provision is explained in § 1389.553).

(b) *What is a "category number."* The garments covered by this regulation are listed in Appendix A. Each kind of garment (such as dresses, coats, suits, skirts) is broken down into certain size groups. Each size group is described as a category and given a "category number."

For example: all "women's" coats are placed in Category No. 1; all "misses'" and "junior misses'" coats in sizes from 9 to 20, inclusive, are in Category No. 2; all "teen age" coats in sizes from 10 to 16, inclusive, are in Category No. 3; "women's" jackets are in Category No. 11; "girls'" dresses in sizes from 7 to 14, inclusive, are in Category No. 24, etc.

(c) *What is the "base period."* The base period is very important because you must determine your markup from your deliveries of garments during that period. The base period is:

(1) For retailers, the period between August 1, 1941 and December 31, 1941, both inclusive.

(2) For wholesalers, the period between July 1, 1941 and October 31, 1941, both inclusive.

(3) For retailers who started to sell garments after October 1, 1941 but before November 1, 1942, and for wholesalers who started to sell garments after September 1, 1941 but before November 1, 1942, the base period is the first

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317.

[2] 7 F.R. 4381, 5869, 7010, 7535, 8946, 10081; 8 F.R. 129, 1139, 1394.

four months immediately following the time of starting of sale of garments.

(4) For those mail-order catalogue establishments making sales on the basis of orders received by mail, who printed their Spring 1942 catalogues prior to January 15, 1942, the base period is the month of March 1942.

§ 1389.553 *Explanation of "highest price line" limitation.* In order that the consumer may continue to buy garments at customary price levels, this regulation provides a highest price line rule, or an over-all ceiling rule for each category. The rule is that you may not, under any circumstances, sell any garment at a higher price than the highest price line at which you delivered a garment of the same category number during March 1942. If you did not deliver any garments of the same category number during March 1942, then you may not sell a garment of that category number at a higher price than the highest price line at which your most closely competitive seller of the same class delivered a garment of that category number during March 1942.

§ 1389.554 *How to use the pricing rules*—(a) *Pricing chart.* In order to find your ceiling price for any garment, you use that one of the five following pricing rules which is applicable. It will be helpful in using these pricing rules to prepare immediately a pricing chart to have before you when you establish your ceiling prices. This chart should contain a list of (1) the category numbers you delivered in the base period, (2) the cost price at which you purchased garments in each of these category numbers, (3) the selling price at which you delivered during the base period the largest number of garments for each cost price, (4) the percentage markup for this selling price, (5) the highest price at which you delivered a garment of each category number in March 1942 (or if you did not deliver such a category number, the highest price at which your most closely competitive seller of the same class delivered a garment of this category number during March 1942.)

An example of a pricing chart and instructions for its preparation are given in Appendix B.

(b) *Summary of pricing rules.* (1) You first find whether you delivered in the base period a garment of the same category number as the garment for which you are calculating your ceiling price. If you did, then you find your ceiling price by using either Rule 1, 2 or 3.

(2) If you find that you did not deliver in the base period a garment of the same category number as the garment you are pricing, then you must calculate your ceiling under Rule 4.

(3) You are permitted to price a garment under Rule 5 only if none of the rules from 1 through 4 apply to your case. For example, you must use Rule 5 if you first started selling garments in February, 1943.

(c) *Pricing rules for garments of a category number delivered during the base period.* To find your ceiling price for garments of the same category number as garments which you delivered during the base period, you compare the cost price at which you purchased the garments now being priced with the cost price at which you purchased garments of the same category number which you delivered during the base period, and then use the first of the next three rules that applies.

Rule 1. The ceiling price for a garment of the same cost to you as a garment you delivered in the base period is the selling price at which you delivered the largest number of such garments during the base period.

For example: You want to find your ceiling price for women's dresses (Category No. 21), which you now buy in a $6.75 cost price line. During the base period, you delivered a total of 250 women's dresses which you bought at a $6.75 cost price. Of these 250 dresses your selling price was $9.95 for 50 of these dresses, $10.95 for 125 of them and $11.95 for 75 of them. Your ceiling price this season for dresses which cost you $6.75 is $10.95, since that is the price at which you delivered in the base period the largest number of women's dresses that cost you $6.75.

However, if during the base period you delivered an equal number of units at two or more different selling prices then your ceiling price shall be the lowest of these selling prices.

For example: You want to find your ceiling price for women's coats (Category No. 1), which you now buy in a $22.75 cost price line. In the base period, you delivered 120 coats that cost you $22.75. You delivered 20 of them at $32.50, 50 of them at $35.00 and 50 at $39.95. Your ceiling price this season for coats that cost you $22.75 is $35.00. Since you delivered 50 coats at $35.00 and 50 coats at $39.95, the rule requires that you take as your ceiling the lower of the two selling prices.

Rule 2. This rule is used where the garment being priced is bought by you at a cost different from the cost of garments of the same category number, which you delivered in the base period.

In such case, you calculate your ceiling price as follows: You first find the next lower cost price line of garments of the same category number, which you delivered in the base period. You then find the selling price at which you delivered the largest number of units of such garments in the next lower cost price line in the base period. Then you find the percentage markup which you took on these garments in the base period and apply the same percentage markup to the garments you are pricing.

For example: You want to find your ceiling price for women's dresses (Category No. 21), that you now buy at a $7.75 cost price line. In the base period you delivered women's dresses that cost you $6.75 and $8.75, but you did not deliver any that cost you $7.75. To calculate your ceiling, you find your next lower cost price line in women's dresses, that you delivered in the base period, which is $6.75. You delivered in the base period altogether 200 women's dresses which you bought in a $6.75 cost price line. You delivered 125 of them at $10.95 and 75 at $11.95. Since $10.75 is the selling price at which you delivered the largest number of units, you then calculate the percentage markup, which you took in the base period on the garments sold at $10.95 and which cost you $6.75. This markup is 38.4%. (This percentage markup is found in Column D of your Pricing Chart). You then apply this same percentage markup to the $7.75 cost of the garments you are pricing and you find that your ceiling price is $12.58.

Rule 3. This rule is used where the garment you are pricing is bought by you at a cost which is lower than any cost price line of garments of the same category number which you delivered in the base period. In such case you follow exactly the same procedure set forth in Rule 2, except that you apply the percentage markup taken by you on the lowest cost price line of garments of the same category number delivered in the base period instead of the next lower cost price line.

For example: You want to find your ceiling price for women's dresses (Category No. 21), that you now buy in a $2.75 cost price line. In the base period, you did not deliver any women's dresses which cost you less than $3.75. Since $3.75 is the lowest base period cost price line for women's dresses, you find that the selling prices at which you delivered in the base period the largest number of women's dresses which cost you $3.75, is $5.98. Thus the percentage markup which you took on women's dresses which cost you $3.75 and which you sold at $5.98 is 37.3%. (This percentage markup is found in Column D of your pricing chart). Thus by applying this same percentage markup on your $2.75 cost of the garment being priced, you find your ceiling price to be $4.39.

(d) *Pricing rules for garments in a category number not delivered during the base period.* To find your ceiling price for garments which are in a category number that you did not deliver during the base period, you compare the cost price line of the garment being priced with the cost price line at which you bought garments of other category numbers delivered by you during the base period, and then use Rule 4.

Rule 4. Your ceiling price for a garment of a category number that you did not deliver in the base period is determined as follows:

(1) If you delivered, during the base period, garments of any category number which you purchased at the same cost as the garment you are pricing, then your ceiling price is the selling price at which you delivered the largest number of such garments during the base period.

Example 1. You want to find your ceiling price on women's suits (Category No. 6), which you now buy at $6.75. You did not deliver any women's suits during the base period, but you did deliver one other category number, women's dresses (Category No. 21), which you bought at $6.75. Since during the base period, you delivered the largest number of women's dresses bought in a $6.75 cost price line, at $10.95, your ceiling price for such dresses, under Rule 1, is $10.95. Therefore, $10.95 is your ceiling price for women's suits bought at $6.75, as that is the ceiling price you established for garments in another category number bought at the same cost.

(2) If you did not deliver during the base period garments of any category number which you bought at the same cost as the garment you are pricing, then you take the next lower cost price line of garments which you delivered in the base period and find the selling price at which you delivered the largest number

of such garments; then find the percentage markup which you took on these garments, and apply this percentage markup to the cost of the garments you are pricing.

Example 2. You want to find the ceiling price for misses' suits (Category No. 7) which you now buy at $9.25. You did not deliver any misses' suits during the base period, nor did you deliver any garments at all which you bought at $9.25. You delivered women's dresses (Category No. 21) bought at $8.75, which is the next lower cost price line for any garments delivered by you in the base period. Under Rule 2 you find that you may take a 37.3% markup for the women's dresses bought at $8.75, since in the base period you delivered at $13.95 the largest number of women's dresses which cost you $8.75. (This percentage markup is found in Column D of your pricing chart). Thus you may take a 37.3% markup on the misses' suits bought at $9.25, and your ceiling price for these misses' suits is $14.75.

(3) If you did not deliver during the base period any garment you bought at a cost price lower than the garment you are pricing, then you take the lowest cost price line of garments which you did deliver and find the selling price at which you delivered the largest number of such garments; then find the percentage margin which you took on these garments and apply this percentage markup to the cost of the garments you are pricing.

Example 3. You want to find the ceiling price for blouses (Category No. 26), which you now buy at $2.50. You did not deliver any blouses during the base period. However, the lowest cost price line in which you bought any garments which you delivered in the base period was $3.75 at which you bought women's dresses (Category No. 21). Since you delivered the largest number of such dresses in the base period at $5.98, you are permitted a 37.3% markup on those dresses. Under Rule 3 you find you may take the same markup on the blouses as you took on the garments in your lowest cost price line delivered during the base period. Therefore, your ceiling price is $3.99, which is calculated by taking a markup of 37.3%, the markup on the lowest cost price line for garments in any category number delivered during the base period.

(4) In applying Rule 4, you might find that in the base period the largest number of garments that you delivered in two or more category numbers, which you purchased in the same cost price line, or in the next lower cost price line, or in the lowest cost price line, was delivered at different selling prices. In any such case in determining your ceiling price you must use that selling price or that percentage markup which gives you the lowest ceiling price. Also, if you find that you delivered during the base period an equal number of units at two or more different selling prices, then you shall use the lowest of these selling prices.

Example 4: Suppose that in calculating your ceiling price on the women's suits mentioned in Example 1 above, you find that during the base period you delivered not only women's dresses bought at $6.75, but also girls' coats (Category No. 4), which you bought at $6.75 and delivered at $9.95. Under Rule 1, your ceiling price for girls' coats bought at $6.75, is $9.95, since in the base period you delivered the largest number of girls' coats bought at that price for $9.95, and therefore, your ceiling price for these women's suits is $9.95 instead of $10.95 since that selling price gives you the lowest ceiling price.

Example 5: Suppose that in calculating your ceiling price on the misses' suits, which you now buy at $9.25, mentioned in Example 2 above, you find that during the base period you delivered not only women's dresses (Category No. 21), bought at $8.75 but also women's coats (Category No. 1), which you bought at $8.75. You delivered the largest number of such women's coats at $12.95, giving you a percentage markup of 32%. By applying to the cost of your misses' suits, ($9.25) the percentage markup on women's coats, 32%, you calculate a ceiling price of $13.60 for your misses' suits. Whereas, if you apply to the cost of your misses' suits your percentage markup on women's dresses, 37.3%, you calculate a price of $14.75 for your misses' suits. Your ceiling price for these misses' suits is therefore, $13.60, as you must use a 32% markup, for that is the percentage markup which will give you the lowest ceiling price.

(e) *Rule 5—For wholesalers and retailers who started selling garments on or after November 1, 1942, or who cannot otherwise price.* This rule is used when you find that none of the preceding four pricing rules applies to your situation. In such case, the ceiling price for the garment being priced shall be the same as the ceiling price established by your most closely competitive seller of the same class, for the same garment, or if none has been established for the same garment, then the ceiling price established by such competitive seller for the similar garment most nearly like it.

(f) *Special provisions for selling establishments which sell through separate departments.* (1) For the purpose of this regulation each separate department of a selling establishment shall be considered a separate seller.

(2) The highest price at which a separate department of a selling establishment may deliver a garment of a category number which it did not deliver in March 1942, shall be the highest price at which any department of the same selling establishment delivered a garment of the same category number during the base period.

(3) A separate department which is established after November 1, 1942, by a selling establishment which was in business prior to that date, shall establish its maximum prices in the following manner:

(i) The highest price line at which it may sell a garment in any category number shall be the highest price line at which any department of the selling establishment is permitted to sell a garment of that category number under this regulation.

(ii) The maximum markup which it may apply to the cost of the garment being priced shall be the highest markup which any department of the selling establishment is permitted to take had the garment been sold in that department or unit.

§ 1389.555 *What acts are prohibited by this regulation.* On and after the effective date of this regulation regardless of any contract or other obligation, no person shall do any of the following:

(a) Sell or deliver any garment at a price higher than the ceiling price permitted by this regulation, although he may lawfully charge prices below the ceiling.

(b) Change his customary discounts, allowances or price differentials, if the change results in a higher net price.

(c) Require a purchaser to buy any other article or service in connection with the sale or delivery of a garment.

(d) Do any other act which directly or indirectly increases, above the maximum price, the consideration paid for a garment or delivery of any garment.

(e) Buy or receive, in the course of trade or business, any garment which was sold in violation of any of the paragraphs of this section.

(f) Agree, offer, solicit or attempt to do any of the acts prohibited by this regulation.

§ 1389.556 *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for the suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

§ 1389.557 *Records.* (a) You must keep a record of all prices established under this regulation. For each price, the record must show (1) the cost of the garment, (2) the selling price, (3) if you did not price under Rule 1, the percentage markup used in establishing the ceiling price, and (4) the pricing rule under which the ceiling was calculated.

(b) You must also preserve the records that you were required to prepare by § 1389.8 of Maximum Price Regulation 153, as amended.

(c) If you did not deliver the same category of garment during March 1942, you must keep a record showing (1) the name and address of your most closely competitive seller of the same class, and (2) his highest price line for a garment of that category number.

(d) If you use Rule 5 in pricing any garments, then you must keep a record of (1) the name and address of your most closely competitive seller of the same class whose garment you used to establish your maximum price, (2) a description of such garment of such most closely competitive seller, and (3) a description of your same or similar garment priced on the basis of such garment.

§ 1389.558 *Invoices, sales slips and receipts, notification and disclosure to retailers.* (a) Every wholesaler, in connection with a sale to a retailer shall deliver an invoice or other similar document showing (1) the date, (2) the name and address of the seller and purchaser, (3) the style number and category number of each of the different styles of garment sold, (4) the quantity of each different style of garment sold, (5) the price of each different style of garment sold, and (6) all discounts, allowances and other price differentials.

(b) Every retailer who has customarily given his customers a sales slip, receipt or similar evidence of purchase must continue to do so. Upon request from a customer, a retailer, regardless of previ-

ous custom, must give the purchaser a receipt showing (1) the date, (2) the name and address of the seller, (3) the name and description of each garment sold, and (4) the price received for it.

§ 1389.559 *Relation to the other maximum price regulations.* (a) The General Maximum Price Regulation shall not apply, and this regulation shall apply to sales of garments covered by this regulation. However, the following sections of the General Maximum Price Regulation are made a part of this regulation, and you must observe them.

(1) Sellers operating more than one retail establishment (§ 1499.4a).

(2) Transfers of business or stock in trade (§ 1499.5).

(3) Federal and state taxes (§ 1499.7).

(4) Current records (§ 1499.12).

(5) Marking and posting of cost-of-living commodities (§ 1499.13), except that paragraph (b) of § 1499.13 (filing of cost-of-living statements) does not apply.

(6) The registration and licensing provisions of §§ 1499.15 and 1499.16 shall apply to every person who sells women's, girls' and children's outerwear garments at wholesale or retail.

(b) *Revised Maximum Export Price Regulation.*[3] Revised Maximum Export Price Regulation shall apply, and this regulation shall not apply to sales or deliveries for which maximum prices are established by Revised Maximum Export Price Regulations, issued by the Office of Price Administration.

(c) *Maximum Price Regulation 153, as amended.* This regulation shall be considered as an amendment to Maximum Price Regulation No. 153, as amended, for all purposes, except that it shall be known as Maximum Price Regulation No. 330.

§ 1389.560 *How this regulation may be amended.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment of general applicability. Any such petition must be filed in accordance with the provisions of Revised Procedural Regulation No. 1,[4] issued by the Office of Price Administration.

§ 1389.561 *Geographical applicability of this regulation.* This regulation shall be applicable to the continental United States, and to the District of Columbia, but not to the territories and possessions of the United States.

§ 1389.562 *Definitions.* (a) Unless the context otherwise requires or unless otherwise specifically provided herein, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation, shall apply to the terms used in this regulation.

(b) "Retail sale" or "sale at retail" means a sale to an ultimate consumer other than an industrial or commercial user.

(c) "Wholesale sale" or "sale at wholesale" means a sale, otherwise than at retail, of a garment which the seller received in substantially the form in which he sells it. Sales by a manufacturer of those garments which he produces or has produced for him are not considered sales at wholesale.

(d) A "manufacturer" is a person who sells a garment which he has fabricated or which has been fabricated for him by an agent or by a "contractor" as that term is defined in Maximum Price Regulation No. 172.[5]

(e) A "manufacturing-retailer" is a manufacturer who maintains one or more establishments selling at retail, or who otherwise sells to ultimate consumers and who sells substantially all of the garments that he manufactures to ultimate consumers.

(f) A "custom tailor" or "dressmaker" is a manufacturer who sells to ultimate consumers from his own establishment, garments fabricated by himself to the individual specifications and at the special order of such ultimate consumers.

(g) "Cost price line", "cost price" and "cost" have the same meaning when used in this regulation.

In applying your markup to "cost" in this regulation, you use the same "cost" basis that you used in the base period. Thus, if in the base period you applied your markup to invoice price, before discount and freight, you now calculate your markup on the same basis. On the other hand, if you applied your markup during the base period to net cost then you now calculate your markup on that basis.

(h) "Seller" means a seller of any of those types of women's, girls' and children's outerwear garments covered by this regulation.

APPENDIX A: WHAT GARMENTS MUST BE PRICED UNDER THIS REGULATION

This regulation applies to the following garments, if fabricated from yard goods, including knitted fabrics and lace:

(a) *Coats:* "Coats" include feminine outerwear garments, commonly known as coats, usually worn over other outer apparel, untrimmed, trimmed and fur-trimmed sport and dress, including capes and wraps, but not including rainwear garments or garments made of artificial leather. Rainwear garments are those which are commonly regarded as having their chief use as protection against rain. Infants' coats are not included.

Category numbers:

#1—"Women's"—all sizes.

#2—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.

#3—"Teen age"—sizes from 10 to 16, inclusive.

#4—"Girls' "—sizes from 7 to 14, inclusive.

#5—"Children's"—sizes from 3 to 6, inclusive.

(b) *Suits:* "Suits" include two-piece feminine outerwear garments, untrimmed, trimmed and fur-trimmed, consisting of a separate jacket and separate skirt fabricated of wool, cotton, rayon, silk or other yard goods of either matching or contrasting material to be sold at a unit price. Skating suits consisting of a separate jacket and a separate skirt are deemed to be suits. Infants' suits are not included.

Category numbers:

#6—"Women's"—all sizes.

#7—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.

#8—"Teen age"—sizes from 10 to 16, inclusive.

#9—"Girls' "—sizes from 7 to 14, inclusive.

#10—"Children's"—sizes from 3 to 6, inclusive.

(c) *Separate jackets:* "Separate jackets" include feminine outerwear garments, commonly known as jackets, including skating jackets, but excluding garments made of artificial leather. Boleros, jerkins and other garments of the same type are considered to be jackets. Infants' jackets are not included.

Category numbers:

#11—"Women's"—all sizes.

#12—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.

#13—"Teen age"—sizes from 10 to 16, inclusive.

#14—"Girls' "—sizes from 7 to 14, inclusive.

#15—"Children's"—sizes from 3 to 6, inclusive.

(d) *Separate skirts:* "Separate skirts" include feminine outerwear garments, commonly known as skirts, including skating skirts, but excluding culottes. Infants' skirts are not included.

Category numbers:

#16—"Women's"—all sizes.

#17—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.

#18—"Teen age"—sizes from 10 to 16, inclusive.

#19—"Girls"—sizes from 7 to 14, inclusive.

#20—"Children's"—sizes from 3 to 6, inclusive.

(e) *Dresses:* "Dresses" include feminine outerwear garments commonly known as dresses, whether used for street, evening, house or utility wear. Jumpers, guimpes, pinafores, brunchcoats, smocks and similar garments are considered dresses. Infants' dresses are not included.

Category numbers:

#21—"Women's"—all sizes.

#22—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.

#23—"Teen age"—sizes from 10 to 16, inclusive.

#24—"Girls' "—sizes from 7 to 14, inclusive.

#25—"Children's"—sizes from 3 to 6, inclusive.

(f) *Blouses:* "Blouses" include feminine outerwear garments, commonly known as blouses or shirtwaists.

Category number:

#26—"Blouses"—sizes 30 and up.

(g) *Snowsuits:* "Snowsuits" include children's (including boys' and girls') and infants' outerwear garments, commonly known as snowsuits, or ski suits.

Category numbers:

#27—One-piece snowsuits (with or without a matching hat)—sizes from 1 to 6, inclusive.

#28—Snowsuits of two pieces (with or without a matching hat)—sizes from 3 to 14, inclusive.

(h) *Legging sets and separate leggings:* "Legging sets" and "separate leggings" include children's (including boys' and girls') and infants' outerwear garments, commonly known as legging sets and separate leggings, but excluding garments made of artificial leather.

Category numbers:

#29—Legging sets—sizes from 1 to 10, inclusive.

#30—Separate leggings—sizes from 1 to 10, inclusive.

(i) *Separate ski pants:* "Separate ski pants" include children's (including boys' and girls') outerwear garments, commonly known as ski pants.

[3] 7 F.R. 5059, 7242, 8829, 9000, 10530.

[4] 7 F.R. 8961.

[5] 7 F.R. 4882, 6684, 8351, 8948, 10864.

Category number:
#31—Separate ski pants—sizes 3 to 14, inclusive.

APPENDIX B: EXAMPLE OF A PRICING CHART

(a) *Pricing chart.* An example of a pricing chart which you should prepare to assist you in pricing your garments follows:

PRICING CHART

A Category No.	B Cost price lines	C Selling price	D Percentage mark-up	E Highest March price line
			Percent	
21 (women's dresses).	$3.75	$5.98	37.3	----------
	4.75	7.95	40.3	----------
	5.50	8.95	38.6	----------
	6.75	10.95	38.4	----------
	8.75	13.95	37.3	----------
	9.75	14.95	34.8	----------
	10.75	16.95	36.6	$17.95

A Category No.	B Cost price lines	C Selling price	D Percentage mark-up	E Highest March price line
			Percent	
1 (women's coats).	$11.75	$19.95	41.1	----------
	12.75	19.95	36.1	----------
	14.75	25.00	41.0	----------
	18.75	29.95	37.4	----------
	19.75	29.95	33.7	----------
	22.75	35.00	35.0	----------
	26.75	39.95	33.0	$45.00

(b) *How to prepare your pricing chart:*

1. In Column A, list the category numbers of the garments you are pricing. You will find the category numbers for the garments in Appendix A.

2. In Column B, list all the cost price lines at which you purchased garments that you delivered during the base period. (§ 1389.552 (c) explains what the base period is).

3. In Column C, list the selling price at which you delivered during the base period the largest number of units of each cost price line listed in Column B. (See Rule 1, if you delivered the same number of units at two or more selling prices, for then you use the lowest selling price).

4. In Column D, list the percentage markup taken on each cost price line listed in Column B. This is how you make this calculation:

Step 1. You subtract the cost price line (Column A) from the selling price (Column B) and the difference is the dollar markup.

Step 2. Divide this dollar markup by the selling price (Column B) and the result is the percentage markup.

For example: In the pricing chart listed above, in order to find the percentage markup taken on the $3.75 cost price line, you subtract $3.75 (Column A) from $5.98 (Column B). The difference is $2.23. By dividing $2.23 by $5.98 (Column B), you find your percentage markup to be 37.3%

5. In Column E, list the highest price line at which you delivered in March 1942 a garment of each category number listed in Column A. If you did not deliver a garment of any category number in March 1942, then list the highest price line at which your most closely competitive seller of the same class delivered a garment of the same category number in March 1942.

6. The percentage markups illustrated in Column D and in the examples given throughout the regulation are markups on selling price. If you usually calculate your markups on your cost prices, you may under this regulation, continue to calculate your markups on cost instead of on selling price. However, you must calculate your markups in the same manner now that you did in the base period.

This regulation shall become effective February 24, 1943.

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2713; Filed, February 18, 1943; 11:56 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,[1] Amendment 23]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (b) of § 1394.7704, and the text of paragraph (a), subdivision (ii) of subparagraph (1) of paragraph (a), and subdivision (ii) of subparagraph (2) of paragraph (a) of § 1394.7705 are amended; a new subparagraph (51) to paragraph (a) of § 1394.7551, a new § 1394.7707 and a new paragraph (w) to § 1394.8352 are added; as set forth below:

Definitions

§ 1394.7551 *Definitions.* (a) * * *

(51) "State Director" means the person holding the office of State Director in a district or State office, or the office of District Manager in a district office, who has been designated by the Regional Administrator to decide, pursuant to Procedural Regulation No. 9, appeals from the decisions of local war price and rationing boards located in the area over which such office has jurisdiction.

Supplemental Rations

§ 1394.7704 *Allowance of mileage.* * * *

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for driving within the continental United States for any of the purposes listed in paragraph (b) of § 1394.7703 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Board shall then determine the total occupational mileage per month required by the applicant and allowed by it for the three-months' period specified in paragraph (b) of § 1394.7703 and shall issue a supplemental ration, in accordance with the provisions of § 1394.7705, to provide such mileage: *Provided*, That except in accordance with the provisions of § 1394.7707, no Board outside of the gasoline shortage area may allow an average of more than 470 miles per month, and no Board within the gasoline shortage area may allow an average of more than 378 miles per month for any occupational mileage other than preferred mileage as defined in § 1394.7706. The Board may allow an average mileage in excess of such maximum only if the excess consists of such preferred mileage or additional mileage allowed pursuant to § 1394.7707.

* * * * *

§ 1394.7705 *Issuance of supplemental rations.* (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with §§ 1394.7704 or 1394.7707.

(1) * * *

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7704 or § 1394.7707 exceeds 470 miles per month: one or more Class C books bearing expiration dates three months from the date of issuance or December 1, 1942, whichever is later, and containing the number of coupons specified in Table II for the mileage allowed.

(2) * * *

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7704 or § 1394.7707 exceeds 378 miles per month: one or more Class C books bearing expiration dates three months from the date of issuance or December 1, 1942, whichever is later, and containing the number of coupons specified in Table IIA for the mileage allowed.

* * * * *

§ 1394.7707. *Additional mileage allowance.* (a) In any case where the applicant or person entitled to the use of the vehicle is not eligible for preferred mileage for driving between home and a fixed place or places of work, or between fixed places of work in connection with his principal occupation, and more mileage is required for such driving than 470 miles per month (378 miles per month in the gasoline shortage area) the Board, upon approval of the State Director, may allow additional mileage in excess of such maximum, to the extent required for such driving. No mileage may be allowed in such case for driving in the course of work, unless the driving in the course of work consists of preferred mileage.

(b) An applicant for additional mileage under this section must establish by clear and convincing proof that: (1) such driving is between home and a fixed place or places of work, or between fixed places of work, in connection with the principal occupation of the applicant or person entitled to the use of the vehicle, (2) a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) are regularly carried in the vehicle for the purpose of going to and from their occupations, or that no such ride-sharing arrangement exists but that the vehicle carries as many persons as could reasonably be expected under the circumstances, and (3) there are no reasonably adequate alternative means of transportation.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813.

(c) If the applicant meets the requirements of paragraph (b) of this section the Board may tentatively issue a ration pursuant to § 1394.7705 which does not include the additional mileage claimed by the applicant, unless such ration has already been issued, and may forward the application to the State Director. Each application shall be accompanied by a recommendation in writing by the Board stating any pertinent facts in addition to those stated in the application, the additional mileage which the Board recommends be allowed for such driving, and the reasons for its recommendation. The Board shall notify the applicant of the amount of additional mileage it has recommended, or of its refusal to make a recommendation.

(d) The State Director, or a person designated by him, shall receive and consider any further evidence presented by the applicant and may require the applicant to appear before him for examination and to produce such witnesses or evidences as he may deem material. The State Director shall pass upon the application and the Board's recommendation and shall promptly notify the Board of his decision and return the application to the Board. If the recommendation of the Board is approved in whole or in part, the Board shall: (1) require the applicant to surrender any supplemental ration previously issued for use with the vehicle, and (2) issue a new supplemental ration pursuant to § 1394.-7705, in the amount of the total mileage allowed pursuant to paragraph (a) of this section and § 1394.7704.

Any person may appeal to the Regional Administrator from an adverse decision of the State Director, pursuant to Procedural Regulation No. 9.[2]

Effective Dates

§ 1394.8352 *Effective dates of amendments.* * * *

(w) Amendment No. 23 (§§ 1394.7551 (a) (51), 1394.7704 (b), 1394.7705 (a), (a) (1) (ii), and (a) (2) (ii), and 1394.-7707) to Ration Order No. 5C shall become effective February 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 18th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2707; Filed, February 18, 1943; 11:55 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 3]

CANNED MEAT AND CANNED FISH

Preamble. The war has brought a tremendous increase in the demand for canned meat and canned fish. At the same time because of material and manpower restrictions imposed by the war, the output of canned meat and canned fish cannot be increased correspondingly. The result is that our supplies of canned meat and canned fish are not sufficient to meet the demand. Our limited supplies of canned meat and canned fish available for civilian distribution must be conserved until arrangements can be made for their orderly and equitable distribution.

§ 1407.4001 *Restriction on transfer of canned meat and canned fish.* Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942; Directive No. 1 and Supplementary Directive No. 1–M of the War Production Board, issued on January 24, 1942, and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directive No. 1, issued by the Secretary of Agriculture on January 16, 1943, Restriction Order 3 (Canned Meat and Canned Fish) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: §1407.4001, issued pursuant to Pub. Law. 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong.; Pub. Law 421, 77th Cong., as amended by Pub. Law 729, 77th Cong.; Executive Order No. 9125, 7 F.R. 2719; Executive Order No. 9280, 7 F.R. 10179; WPB Directive No. 1, 7 F.R. 562, and Supplementary Directive No. 1–M, 7 F.R. 7234; and Food Directive No. 1, 8 F.R. 827.

SECTION 1. *General rule, transfers of canned meat and canned fish are prohibited.* No person shall transfer or acquire canned meat or canned fish. The only exceptions to this prohibition are stated in the next five sections.

SEC. 2. *Transfers of canned meat and canned fish to exempt persons and agencies are permitted.* (a) Any person or government agency is an exempt person or exempt agency with respect to canned meat or canned fish obtained by or for it for export to, and consumption or use in, any foreign country. The other exempt agencies for the purposes of this order are the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, War Shipping Administration, Maritime Commission, Panama Canal, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, Office of Scientific Research and Development, Food Distribution Administration, and Office of Lend-Lease Administration.

(b) Any person may transfer canned meat or canned fish to or for the exempt persons or exempt agencies named in the preceding paragraph. Canned meat or canned fish may be acquired by or for these exempt persons or exempt agencies.

SEC. 3. *Transfers of canned fish to wholesalers are permitted.* (a) Any place where a person who deals in canned meat or canned fish keeps stocks of canned meat or canned fish for sale or other transfer is a wholesale establishment if, in the last month before February 1943 in which canned meat or canned fish from those stocks were transferred, 50 per cent or more of the canned meat or canned fish so transferred was transferred from there directly to persons acquiring canned meat or canned fish for other than personal use. Any person who has a wholesale establishment is called a wholesaler, but only with respect to such an establishment.

(b) Any person may transfer canned fish to a wholesaler. Wholesalers may acquire canned fish. (Canned meat may not be transferred or acquired under this paragraph.)

SEC. 4. *Canned meat or canned fish in transit.* Canned meat or canned fish in transit at the time this order takes effect may be delivered to the consignee and acquired by him.

SEC. 5. *Canned meat or canned fish may also be transferred if the Director of the Food Rationing Division authorizes the transfer.* (a) Persons may transfer or acquire canned meat or canned fish when authorized to do so by the Director of the Food Rationing Division, Office of Price Administration, Washington, D. C.

(b) Any person who desires such authority to transfer or acquire canned meat or canned fish must apply in writing to the Director of the Food Rationing Division, Office of Price Administration, Washington, D. C. The application must state the kind and amount of canned meat or canned fish he wishes to transfer or acquire and the reasons why such authority should be given.

SEC. 6. *Certain deliveries by or to carriers are permitted.* Deliveries of canned meat or canned fish may be made by or to carriers for the purpose of effecting transfers thereof permitted by the previous four sections.

SEC. 7. *Certain wholesalers must report their inventories of canned meat and canned fish held on February 17, 1943.* (a) Certain persons were required to file with the Bureau of the Census, Washington, D. C., before February 12, 1943, a report showing, for January 1943, their stocks and receipts of canned and preserved foods. (The report was to be made on OPA Form CF–2.) Wholesalers who complied with this requirement need not file the inventory report required by this section.

(b) All other wholesalers must file an inventory report with the Office of Price Administration. The report must show, for each wholesale establishment, all the canned meat and canned fish physically located at that establishment, at the close of business February 17, 1943. The report must show separately the number of hermetically sealed containers holding canned meat classified by size of container and the number of hermetically sealed containers holding canned fish classified by size of container. (The report need not show a classification by type of canned meat or by type of canned fish.) It must contain a certification that the information contained in it is complete and accurate. The report, including the certification, must be signed by the wholesaler or his authorized agent.

(c) The report must be filed by mailing it to the Director of the Food Rationing Division, Office of Price Administration, Washington, D. C. It must be filed on or before March 5, 1943. (It is considered filed on time if the envelope is postmarked on or before that date.)

[2] 7 F.R. 8796; 8 F.R. 856, 1838.

(d) The wholesaler must complete a duplicate of his report. It must be held for at least two years at a place where his books of account and other business records are customarily kept and be open to audit and inspection by agents of the Office of Price Administration.

SEC. 8. *Records of transfers.* Every person who acquires or transfers canned meat or canned fish must keep a record of the names and addresses of persons transferring or acquiring the canned meat or canned fish and the number and size of the hermetically sealed containers transferred or acquired. (These records must show whether the transaction involved canned meat or whether it involved canned fish but need not show the type of canned meat or the type of canned fish.) These records must be held for at least two years at a place where his books of account and other business records are customarily kept, and be open to audit and inspection by agents of the Office of Price Administration.

SEC. 9. *Canned meat and canned fish held for sale must not be opened except for inspection.* No person shall, except for necessary and customary inspection, puncture or open a hermetically sealed container in which canned meat or canned fish is packed if it is held for sale or transfer.

SEC. 10. *Where order applies.* This order applies only in the 48 States of the United States and the District of Columbia.

SEC. 11. *Office of Price Administration may issue suspension orders.* Any person who violates this order may, by administrative suspension order, be prohibited from receiving any transfer or delivery of, or from selling or using or otherwise disposing of, any canned meat or canned fish or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

SEC. 12. *Definitions.* When used in this order:

"Acquire" means to accept a transfer or to get possession or title in any other way.

"Canned fish" means all fish or shellfish packed in hermetically sealed containers of any type and sterilized by the use of heat. It does not include processed foods as defined in Ration Order No. 13[1] or pharmaceutical products.

"Canned meat" means all meat packed in hermetically sealed containers of any type and sterilized by the use of heat. It does not include processed foods as defined in Ration Order No. 13[1] or pharmaceutical products.

"Meat" means any edible part of cattle, valves, sheep, lambs, and swine. It includes all products containing meat in which the meat constitutes more than 10 per cent of the total net weight. Oils, lards, rendering fats, and rendered fats, and by-products of these five species not used for human consumption are not considered to be meat.

"Person" means not only an individual, but also a partnership, corporation, or association. It includes a government agency and any other organized group or enterprise.

"Transfer" means to sell, give, exchange, lend, deliver or consign. It includes any transfer of possession or title, however accomplished.

This restriction order shall become effective at 12:01 a. m. on February 18, 1943.

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2692; Filed, February 18, 1943; 11:52 a. m.]

[1] 8 F.R. 1840.

PART 1499—COMMODITIES AND SERVICES

[MPR 165,[1] as Amended, Supp. Service Reg. 7]

SERVICES RENDERED IN CONNECTION WITH THE NEGOTIATION OF PURCHASE OR SALE OF FUEL OIL

A statement of the considerations involved in the issuance of Supplementary Service Regulation No. 7 has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Supplementary Service Regulation No. 7 is hereby issued.

§ 1499.657 *Modification of maximum prices established by Maximum Price Regulation No. 165, as amended, for commission selling of fuel and heating oils in certain states and District of Columbia.* (a) Any person engaged in the service of commission selling or commission distribution, from tank wagons, of fuel oil and heating oil, including but not limited to kerosene, range oil, Nos. 1, 2, 3, 4, 5 and 6 fuel oil, Diesel oil and gas oil in the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and in the District of Columbia is hereby permitted to charge, and any person purchasing such service is hereby permitted to pay, three-tenths of a cent per gallon in addition to the maximum price established for such seller under this regulation.

(b) This Supplementary Service Regulation No. 7 (§ 1499.657) shall become effective February 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7871)

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2714; Filed, February 18, 1943; 11:56 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10557, 10619, 10718, 11010; 8 F.R. 1060, 1979.

PART 1499—COMMODITIES AND SERVICES

[Amendment 13 to Rev. Supp. Reg. 11[1] to GMPR[2]]

EXCEPTIONS FOR CERTAIN STEVEDORING SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Subparagraph (101) of § 1499.46 (b) is amended to read as set forth below:

§ 1499.46 *Exceptions for certain services.* * * *

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges, or compensation for the following services: * * *

* * *

(101) Stevedoring, and carloading and unloading, when performed under a contract for any War Procurement Agency or for the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 1942, entitled "An Act to Promote the Defense of the United States," or for any agency of such government.

* * * * *

(d) *Effective dates.* * * *

(14) Amendment No. 13 (§ 1499.46 (b) (101)) to Revised Supplementary Regulation No. 11 shall become effective February 24, 1943.

(Pub. Laws 421 and 729, 77th Cong., E. O. 9250, 7 F.R. 7871)

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2715; Filed, February 18, 1943; 11:56 a. m.]

[1] 7 F.R. 6426, 6965, 7604, 7758, 8282, 8431, 8810, 9195, 9894; 8 F. R. 130, 149.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 5913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

LOWER KLAMATH NATIONAL WILDLIFE REFUGE, CALIFORNIA AND OREGON

Under authority of section 84 of the act of March 4, 1909, 35 Stat. 1088, as amended by the act of April 15, 1924, 43 Stat. 98, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (4 F.R. 2731) (53 Stat. 1431), and in extension of § 12.9 of the Regulations for the Administration of National Wildlife Refuges, dated Decem-

ber 19, 1940 (5 F.R. 5284), the following is hereby ordered:

§ 21.573 *Lower Klamath National Wildlife Refuge, California and Oregon; hunting.* Migratory waterfowl (except those species for which no open season is prescribed by the Migratory Bird Treaty Act regulations), coots, and pheasants may be taken within certain areas hereinafter described of the Lower Klamath National Wildlife Refuge, in California and Oregon, during the period prescribed therefor for the respective states by the Migratory Bird Treaty Act regulations, in accordance with the provisions of the Regulations for the Administration of National Wildlife Refuges Under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), and in accordance with the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended, when, in manner, by means, and to the extent not prohibited by either Federal or State law or regulation, and under the following special provisions, conditions, restrictions, and requirements:

(a) *Areas open to hunting.* All the lands of the United States within the following-described areas of the refuge shall be open to hunting:

(1) All that part of the refuge lying in the State of Oregon.

(2) All that part of the refuge lying northeasterly of a line extending from the intersection of the north-south quarter line section 14, T. 48 N., R. 2 E., and the north boundary of the State of California, southeasterly to the center of section 30, T. 48 N., R. 3 E.; thence easterly to the center of section 29, T. 48 N., R. 3 E.; and thence southeasterly to a point on the refuge boundary at the east one-sixteenth corner on the east-west quarter line of section 9, T. 47 N., R. 3 E., Mount Diablo Meridian.

(b) *State laws.* Any person while hunting within the refuge must comply with the applicable State laws and regulations.

(c) *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license, if such license is required, and, if hunting migratory waterfowl, a properly validated migratory-bird hunting stamp. The license and the stamp shall serve as a Federal permit for hunting on the refuge and must be carried on the person of the licensee while so hunting. The license and the stamp must be exhibited upon the request of any representative of the California Department of Natural Resources or of the Oregon State Game Commission authorized to enforce the State game laws, or of any representative of the Department of the Interior. Upon request of the officer in charge, the licensee must also exhibit for inspection all wildlife killed by him or in his possession.

(d) *Disorderly conduct; intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(e) *Hunting dogs.* Each person hunting on the public shooting grounds will be permitted to take his hunting dogs, not to exceed two in number, upon such areas for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(f) *Entry upon refuge; firearms.* Persons entering the refuge for the purpose of hunting shall use such routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported along routes of travel designated by the officer in charge, across such closed areas provided they are unloaded, and broken or properly encased. The carrying or being in possession of rifled firearms or the use of single-ball or slug-loaded shotgun shells on the refuge is prohibited.

(g) *Penalties.* Failure of a permittee to comply with any of the conditions, restrictions, or requirements of the regulations in this section will be sufficient cause for removing him from the refuge and for refusing him further hunting privileges on the refuge.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

OCTOBER 15, 1942.

[F. R. Doc. 43-2670; Filed, February 17, 1943; 3:08 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

SILVER STATE CONSTRUCTION CO. AND A. D. DRUMM, JR.

ORDER REVOKING LICENSES AND DIRECTING SURRENDER THEREOF

In the matter of Silver State Construction Co., and A. D. Drumm, Jr., Fallon, Nevada, licensees. Proceeding for revocation of licenses.

Proceedings for the revocation of the Federal explosives licenses, issued under the Federal Explosives Act of December 26, 1941 (55 Stat. 863), to the above-named licensees, were begun on October 14, 1942, by the filing of Specifications of Charges and Notices of Hearing setting forth violations of the act and regulations thereunder by the Silver State Construction Co. and A. D. Drumm, Jr. After due reply received from the licensee, A. D. Drumm, Jr., denying any and all charges and requesting a hearing, a hearing was held on December 14, 1942, in Berkeley, California, before the Hearing Officer duly designated by me, at which hearing there was no appearance by or on behalf of the licensees. Testimony was heard and evidence was adduced bearing upon the charges made.

The reports of the Hearing Officer, dated January 15, 1943, made findings of fact and reached conclusions that the licensees had violated various provisions of the act and regulations, and recommended the revocation of the licenses. The licensees were allowed 15 days from the date of receipt of the reports within which to file with me such exceptions to the reports or to any other part of the records or proceedings as they might desire. The 15-day period has now expired without the filing of any exceptions by or on behalf of the licensees.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act and section 301.22 of the regulations issued pursuant thereto (7 F.R. 5901), I, R. R. Sayers, Director of the Bureau of Mines, having reviewed the record, *Order*, That the Hearing Officer's Reports, including his findings, conclusions and recommendations be, and they are hereby, approved and adopted as my own;

That Purchaser's License No. 242,593, Foreman's License No. 489,972, and any and all other Federal explosives licenses heretofore issued to the Silver State Construction Co. and/or A. D. Drumm, Jr., pursuant to the Federal Explosives Act, be, and they are hereby, revoked as of 12:01 a. m., February 28, 1943;

That the licenses mentioned in the preceding paragraph shall be surrendered by delivering them to me on or before February 28, 1943, or by depositing them on or before that date in the United States mail with postage prepaid and addressed to me.

Dated: February 13th, 1943.

R. R. SAYERS,
Director.

[F. R. Doc. 43-2671; Filed, February 17, 1943; 3:08 p. m.]

Office of Indian Affairs.

WAPATO INDIAN IRRIGATION PROJECT, WASH.

ORDER ELIMINATING CERTAIN LANDS

Whereas the Act of Congress approved June 22, 1936 (49 Stat. 1803), authorizes and directs the Secretary of the Interior to cause investigations to be made to determine whether the owners of non-Indian lands under Indian irrigation projects are unable to pay irrigation charges; and

Whereas the said Act provides in part as follows: "* * * Where the Secretary finds that said landowners are unable to make payment * * * he may adjust, defer or cancel such charges, in whole or in part, as the facts and conditions warrant. In adjusting or deferring any such charges the Secretary may enter into contracts with said landowners for the payment of past due charges, but such contracts shall not extend the payment of such charges over a period in excess of ten years. * * *"; and

Whereas the said Act further provides that "Where the Secretary finds that any such lands are permanently non-irrigable he may, with the consent of the landowners, eliminate such lands from the project"; and

Whereas eleven landowners within the Wapato Indian Irrigation Project, Washington, have executed agreements consenting to and requesting that all or a portion of their lands be eliminated from the project, and an investigation and report pertaining to said lands, completed October 1, 1941, shows that some portion or all of the said lands should be eliminated from the project and financial adjustments made because the lands involved are found to be permanently non-irrigable; and

Whereas one other landowner has requested that an adjustment be made of past due irrigation charges because defects of project drainage works made it impossible for him to operate his 40.0 acres of land profitably for a period of years;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, pursuant to authority vested in me by the Act of June 22, 1936 (49 Stat. 1803), and subject to the terms and conditions thereof, including approval by Congress and the written consent of the landowners heretofore given, hereby eliminate the following described lands from the Wapato Indian Irrigation Project, totaling 386.01 acres, formerly designated as irrigable, and classified as indicated below:

	Class A land	Class B land
T. 10 N., R. 19 E.:		
Sec. 19	S½SW¼NW¼SE¼ and S½S½SE¼NW¼SE¼	
Sec. 21	SW¼SE¼	SE¼SE¼.
T. 10 N., R. 20 E.:		
Sec. 20	S½SW¼NE¼	NW¼SE¼.
Sec. 19		Lot 4 (25.42 acres) and the south 529.22 feet of lot 3 (10.09 acres).
Sec. 36		S½N½SW¼SE¼NW¼ and S½S½SE¼NW¼.
T. 11 N., R. 17 E.:		
Sec. 36	NE¼NE¼NE¼; E½NW¼NE¼NE¼; S½NE¼NE¼; E½SE¼NW¼NE¼.	S½NE¼.
T. 11 N., R. 18 E.:		
Sec. 3	All that part of the SW¼NE¼ lying south of the main canal extension.	All that part of the N½NW¼SE¼ lying south of the main canal extension and SW¼NW¼SE¼ and W½W½SE¼NW¼SE¼.
Sec. 9	S½NE¼NE¼ and E½NW¼ SE¼NE¼.	SW¼SE¼NE¼.
T. 11 N., R. 19 E.:		
Sec. 24	E½E½NW¼NE¼NW¼ and SW¼NE¼ NE¼NW¼, 5 acres, of which the north 3.30 acres are Class A land.	E½E½NW¼NE¼NW¼ and SW¼NE¼ NE¼NW¼, 5 acres, of which the south 1.70 acres are Class B land.

I hereby cancel the obligations assessed against these lands amounting to $8,672.56 on behalf of construction assessments; $4,183.22 of unpaid operation and maintenance assessments; and $1,656.25 unpaid penalties, as reflected by the project records, and order that no further assessments shall be made against the 386.01 acres of lands eliminated from the project. I also cancel delinquent operation and maintenance charges amounting to $557.65, and penalties amounting to $302.73, assessed against the E½SW¼NE¼ (Class A land) and the W½SW¼NE¼ (Class B land) sec. 7, T. 10 N., R. 19 E., and order that the owner thereof be allowed credit on subsequent operation and maintenance assessments for $58 paid on these tracts for the year 1939.

I order that payments heretofore made on construction charges against the lands being eliminated from the said project be credited to the costs of construction for the lands retained in the project by the landowners involved.

I also order that agreements deferring the collection of irrigation assessments heretofore executed on behalf of the lands in question be canceled in those cases where the landowners retain no land under the project, and modified in those cases where land is retained in the project by the landowners, to reflect the cancellation of charges and elimination of lands dealt with in this order.

I further order that any assessments made pending action by Congress confirming this order, against any lands eliminated from the project by the terms of this order, shall be canceled, and that any payments made because of any such assessments shall be credited to other lands of the owners retained in the project.

The adjustments of project areas and assessments provided for in this order are conditioned upon the landowners making immediate settlement of delinquent irrigation charges remaining against the lands retained by them in the project, either by cash payment or by the execution of contracts providing for the deferment of the balances due, and the payment of the recording fees to Yakima County, Washington, for the recordation of the applications requesting the elimination of the owners' lands from the Wapato Project. The recording of these instruments shall not be done until after Congress shall have acted favorably on this order.

Done in the City of Washington, District of Columbia, this 9th day of September 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-2680; Filed, February 18, 1943; 9:34 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 411, 554, 571, 577 and 578]

NATIONAL AIRLINES, INC., ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of the applications of National Airlines, Inc., Delta Air Corporation, Braniff Airways, Inc., Eastern Air Lines, Inc., and Chicago and Southern Air Lines, Inc., for certificates and amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held on March 3, 1943, at 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

By the Civil Aeronautics Board.

Dated Washington, D. C., February 17, 1943.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-2684; Filed, February 18, 1943; 9:51 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. DI-166]

GEORGIA POWER COMPANY

ORDER GRANTING CONTINUANCE OF HEARING AND DENYING APPLICATION TO TAKE DEPOSITIONS

FEBRUARY 16, 1943.

Upon application filed February 10, 1943, by declarant for further continuance of hearings herein until June 1, 1943, and upon application filed on the same date for permission to take the depositions at Milledgeville, Georgia, on February 19, 1943, of certain named persons, five living in Milledgeville and one living near Oconee, Georgia; it appearing that:

(a) Hearings having been held in the above-entitled matter at Atlanta, Georgia, from September 21 to October 7, 1942, and at Washington, D. C., from January 18 to 20, 1943, and a continuance to March 1, 1943, having been granted at the request of declarant for the purpose of enabling it to prepare rebuttal testimony for presentation at the hearing to be reconvened on the last-named date in Washington, D. C.;

(b) The declarant desires additional time within which to make further investigation and points out that no construction is under way at the present time and claims that no use of the river will be affected by the allowance of additional time; And it not appearing that the testimony proposed to be taken by depositions is represented as in rebuttal of any testimony, or that it could not have been offered at the time the hearing was originally held in Atlanta, and no reasons have been given showing the necessity of taking depositions at Milledgeville, if the reconvened hearing is held in the State of Georgia;

The Commission finds that:

(i) Further postponement of the hearing as hereinafter provided is reasonable and consistent with the public interest;

(ii) By reconvening the hearing as hereinafter provided the witnesses, whose depositions it was proposed to

take; may appear in person and give testimony,

It is ordered, That:

(A) The hearing in this matter be further postponed to reconvene on Thursday, April 8, 1943, beginning at 9:45 a. m. (e. w. t.) in Room 216 of the Commission's Regional Office, 10 Forsyth Street Building, Atlanta, Georgia; and

(B) The application for permission to take depositions is hereby denied.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-2683; Filed, February 18, 1943; 9:31 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Amendment 1 to Order 63 Under MPR 120]

GROVE COAL COMPANY

ORDER GRANTING ADJUSTMENT

Amendment No. 1 to Order No. 63 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120-67-P.

Paragraph (b) of Order No. 63 is amended to read as set forth below:

(b) The Grove Coal Company, Boone, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coal in Size Groups 1, 3, 4, and 8 produced at the Grove Mine of the Grove Coal Company, Mine Index No. 324, District No. 12, at prices per net ton not to exceed $5.20, $4.95, $4.95, and $2.95 respectively, f. o. b. the mine.

* * * * *

This Amendment No. 1 to Order No. 63 shall become effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2666; Filed, February 17, 1943; 11:56 a. m.]

[Order 3 Under Rev. MPR 125]

EXCEL BRASS AND ALUMINUM FOUNDRY

ADJUSTMENT OF MAXIMUM PRICES

Order No. 3 under Revised Maximum Price Regulation No. 125—Nonferrous Castings.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1395.12 of Revised Maximum Price Regulation No. 125: *It is hereby ordered:*

(a) The Excel Brass and Aluminum Foundry of Pekin, Illinois may sell and deliver to any person and any person may buy and receive from The Excel Brass and Aluminum Foundry of Pekin, Illinois nonferrous castings, the same, or of the same class, as those sold or contracted to be sold by The Excel Brass and Aluminum Foundry of Pekin, Illinois during the period from October 1 to October 15, 1941, inclusive, and those sold, contracted to be sold or delivered by The Excel Brass and Aluminum Foundry of Pekin, Illinois during the period from May 11, 1942 to January 31, 1943 inclusive at the maximum prices prescribed by § 1395.15 of Revised Maximum Price Regulation No. 125: except that in determining the maximum price of nonferrous castings under that section, The Excel Brass and Aluminum Foundry of Pekin, Illinois, need not make the reductions required by paragraph (b) of that section.

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 3 shall become effective as of February 1, 1943.

Issued this 17th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2664; Filed, February 17, 1943; 11:57 a. m.]

[Order 12 Under MPR 157]

HY-ART COAT MAKERS, INC.

ORDER GRANTING ADJUSTMENT

Order No. 12 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—Docket No. 3157-25.

On September 15, 1942, Hy-Art Coat Makers, Inc., 663 Broadway, New York, New York, filed an application under Maximum Price Regulation No. 157 for adjustment of its maximum prices for certain overcoats. Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 and Procedural Regulation No. 6: *It is hereby ordered:*

(a) Hy-Art Coat Makers, Inc., may sell and deliver the following commodities under Maximum Price Regulation No. 157 at prices not exceeding the following prices:

(1) $3.82 each for Wool Service Overcoats delivered pursuant to Contract W 669-qm-16844, Philadelphia Quartermaster Depot, Quartermaster Corps, United States Army.

(2) $3.75 each for Wool Service Overcoats delivered pursuant to Contract W 669-qm-19990, Philadelphia Quartermaster Depot, Quartermaster Corps, United States Army.

(3) $3.75 each for other Wool Service Overcoats conforming to specifications of Contract W 669-qm-19990.

(4) For Wool Service Overcoats of different specifications, $3.75 each plus or minus an amount equal to actual increases or decreases, if any, in costs directly resulting from the changes in specifications of Overcoats conforming to specifications of Contract W 669-qm-19990.

(b) With respect to deliveries of the commodity described in paragraph (a), on and after September 15, 1942, Hy-Art Coat Makers, Inc., may receive payments under Maximum Price Regulation No. 157 at prices not exceeding the above prices.

(c) All prayers of the application not granted herein are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 12 shall become effective February 18, 1943.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2661; Filed, February 17, 1943; 11:58 a. m.]

[Order 13 Under MPR 157]

STRUTWEAR KNITTING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 13 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—Docket No. 3157-38.

On November 30, 1942, Strutwear Knitting Company, Minneapolis, Minnesota, filed an application, under Maximum Price Regulation No. 157, for adjustment of its maximum prices for cotton khaki trousers. Due consideration has been given to said application and an opinion in support of this Order No. 13 has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 and Procedural Regulation No. 6, issued by the Office of Price Administration: *It is hereby ordered:*

(a) Strutwear Knitting Company may sell and deliver to any war procurement agency, under Maximum Price Regulation No. 157, the following commodity at a price not in excess of the following price:

$.65 per unit for cotton khaki trousers conforming to the specifications of Contract W 669-qm-22786, Philadelphia Quartermaster Depot, United States Army.

(b) With respect to deliveries of the commodity described in paragraph (a), on and after November 30, 1942, Strutwear Knitting Company may receive payments under Maximum Price Regulation No. 157 at a price not exceeding $.65 per unit.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definition set forth in § 1378.10 of Maximum Price Regulation No. 157 shall apply to the terms used herein.

This Order No. 13 shall become effective February 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2660; Filed, February 17, 1943; 11:58 a. m.]

[Order 164 Under MPR 188]

J. M. BAKER PATTERN COMPANY

ORDER DENYING ADJUSTMENT

Order No. 164 under § 1499.161 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. 3188-39.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered,* That:

(a) The application for adjustment of maximum prices of Baker cellar, roof, dock, and ship pipes manufactured and sold by the J. M. Baker Pattern Company of 43 Hospital Street, Providence, Rhode Island, filed by said Company, and assigned Docket No. 3188-39 is denied.

(b) This Order No. 164 is effective as of November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2662; Filed, February 17, 1943; 11:58 a. m.]

[Order 14 Under MPR 157]

WACO GARMENT MANUFACTURING COMPANY

ORDER DENYING ADJUSTMENT

Order No. 14 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—Docket No. 3157-16.

On September 16, 1942, Waco Garment Manufacturing Company, Waco, Texas, filed an application under Maximum Price Regulation No. 157 for adjustment of its maximum prices for cotton herringbone twill trousers for the United States Army. Due consideration has been given to the application, and an opinion in support of this Order No. 14 has been issued simultaneously and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 and Procedural Regulation No. 6: *It is ordered,* That:

(a) The application for adjustment is hereby denied.

(b) Waco Garment Manufacturing Company shall immediately notify all persons with whom it has contracts which are subject to Maximum Price Regulation No. 157 and which establish prices in excess of those authorized by Maximum Price Regulation No. 157 that it will make final settlement of such contracts in accordance with the maximum prices established by Maximum Price Regulation No. 157.

(c) Waco Garment Manufacturing Company shall refund to persons with whom it has contracts which are subject to Maximum Price Regulation No. 157 all payments which have been made to it in excess of the maximum prices authorized by Maximum Price Regulation No. 157.

(d) Within 30 days after the date on which this Order No. 14 was mailed to it, Waco Garment Manufacturing Company shall file a statement with the Office of Price Administration, Washington, D. C., stating the action it has taken to comply with the terms of this Order No. 14.

(e) This Order No. 14 shall become effective February 18, 1943.

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2663; Filed, February 17, 1943; 11:58 a. m.]

[Order 165 Under MPR 188]

EDGAR BROTHERS CO.

AUTHORIZATION OF MAXIMUM PRICE

Order No. 165 under § 1499.158 of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other than Apparel.

Authorization of a maximum price for Edgar Brothers Company, Metuchen, New Jersey, for "Kao-Lite" a lightweight calcined aggregate.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250, and pursuant to § 1499.158 of Maximum Price Regulation No. 188: *It is hereby ordered,* That:

(a) Specific authority is hereby granted to Edgar Brothers Company, Metuchen, New Jersey, to sell and deliver to any person f. o. b. its plant at Metuchen, New Jersey, "Kao-Lite" a lightweight calcined aggregate @ $40 per net ton.

(b) Edgar Brothers Company shall submit such reports to the Office of Price Administration, Washington, D. C., as it may from time to time require.

(c) This Order No. 165 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 165 shall become effective February 18, 1943.

Issued this 17th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2665; Filed, February 17, 1943; 11:57 a. m.]

[Order 4 Under MPR 121]

PACKAGE FUEL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 4 under Maximum Price Regulation No. 121—Miscellaneous Solid Fuels Delivered from Producing Facilities—Docket No. 3121-12.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.247a (b) of Maximum Price Regulation No. 121, *It is hereby ordered:*

(a) Packaged coal briquettes produced by the Package Fuel Company, 542 East Michigan Avenue, Kalamazoo, Michigan, may be sold and purchased in ten pound packages at prices not to exceed those set forth below:

DIRECT SALES TO CONSUMERS

	F. o. b. plant	Delivered
200 packages	$12.25	$13.25
100 packages	6.13	6.63
50 packages	3.35	3.85
45 packages	3.00	----------
30 packages	2.00	----------
14 packages	1.00	----------
13 packages or less	[1].075	----------

SALES TO RETAIL DEALERS

200 packages	11.50	----------

[1] Per package.

(b) Within thirty (30) days from the effective date of this order the said Package Fuel Company shall notify all persons purchasing its packaged coal briquettes of the adjustments granted by paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Revised Maximum Price Regulation No. 122 in the resale of briquettes the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Revised Maximum Price Regulation No. 122.

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petitioner not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.248 of Maximum Price Regulation No. 121 shall apply to terms used herein.

(f) This Order No. 4 shall become effective February 19, 1943.

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2709; Filed, February 18, 1943; 11:55 a. m.]

[Order 26 Under MPR 152]

HIPKE FOODS, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 26 under Maximum Price Regulation No. 152—Canned Vegetables.

Hipke Foods, Incorporated, New Holstein, Wisconsin, has filed an application for specific authorization to charge particular maximum prices pursuant to § 1341.22 (d) of Maximum Price Regulation No. 152.

Due consideration has been given to the information submitted by Applicant with respect to the packing in No. 10 size cans of whole red beets packed 70 or over to a can and whole red beets packed 110 or over to a can.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, *It is hereby ordered*, That:

(a) The Hipke Foods, Incorporated, may sell, offer to sell or deliver, and any person may buy, offer to buy or receive, whole red beets packed 70 or over to a can at a maximum price of $4.83 per dozen f. o. b. factory for No. 10 size cans and whole red beets packed 110 or over to a can at a maximum price of $6.00 per dozen f. o. b. factory for the No. 10 size cans.

(b) This Order No. 26 may be revoked or amended by the Price Administrator at any time.

(c) The applicant, Hipke Foods, Incorporated, shall not change its customary allowances, discounts or price differentials unless such change results in a lower price.

(d) Unless the context otherwise requires, the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(e) This order shall become effective on 19th day of February 1943.

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2708; Filed, February 18, 1943; 11:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-437]

SOUTHERN UTILITIES COMPANY, LIMITED

ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission held at its offices in the City of Philadelphia, Pennsylvania on the 15th day of February, 1943.

The Commission having heretofore on December 2, 1938, after a public hearing, ordered that the Southern Utilities Company, Limited, be exempted to the extent specified from certain provisions of the Public Utility Holding Company Act of 1935 applicable to it as a subsidiary company of North Continent Utilities Corporation, a registered holding company; and

The Commission, after subsequent applications by Southern Utilities Company, Limited, having in its order dated January 8, 1941 extended the time during which such order should be effective to January 31, 1943; and

Southern Utilities Company, Limited, having on January 27, 1943, filed an application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 seeking an extension of the time during which such previous order of this Commission should be effective; and

The Commission having considered such application and it appearing that the circumstances upon which such original order of exemption was issued still exist and that a further extension of the time during which such order of exemption shall be effective will not be detrimental to the public interest or the interest of investors or consumers:

It is therefore ordered, That the time during which such order of exemption shall be effective be, and hereby is, extended until January 31, 1945, without prejudice to the right of Southern Utilities Company, Limited, to apply for a further extension of the time during which such order shall be effective and also without prejudice to the right of Southern Utilities Company, Limited, to apply at any time for such enlargement of any of the provisions of such order as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-2667; Filed, February 17, 1943; 3:08 p. m.]

[File No. 31-439]

GREAT NORTHERN GAS COMPANY, LIMITED

ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of February, 1943.

The Commission having heretofore on December 2, 1938, after a public hearing, ordered that the Great Northern Gas Company, Limited, be exempted to the extent specified from certain provisions of the Public Utility Holding Company Act of 1935 applicable to it as a subsidiary company of North Continent Utilities Corporation, a registered holding company; and

The Commission, after subsequent applications by Great Northern Gas Company, Limited, having in its order dated January 8, 1941 extended the time during which such order should be effective to January 31, 1943; and

Great Northern Gas Company, Limited, having on January 27, 1943, filed an application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 seeking an extension of the time during which such previous order of this Commission should be effective; and

The Commission having considered such application and it appearing that the circumstances upon which such original order of exemption was issued still exist and that a further extension of the time during which such order of exemption shall be effective will not be detrimental to the public interest or the interest of investors or consumers:

It is therefore ordered, That the time during which such order of exemption shall be effective be, and hereby is, extended until January 31, 1945, without prejudice to the right of Great Northern Gas Company, Limited, to apply for a further extension of the time during which such order shall be effective and also without prejudice to the right of Great Northern Gas Company, Limited, to apply at any time for such enlargement of any of the provisions of such order as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-2668; Filed, February 17, 1943; 3:08 p. m.]

[File Nos. 70-453, 59-4]

WESTERN PUBLIC SERVICE CO., ET AL.

ORDER DENYING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of February, A. D., 1943.

In the matter of The Western Public Service Company, a Maryland Corporation, The Western Public Service Company, a Delaware Corporation, Engineers Public Service Company, File No. 70-453; Engineers Public Service Company and its Subsidiary Companies, Respondents, File No. 59-4.

Engineers Public Service Company, a registered holding company, and its subsidiaries The Western Public Service Company (a Maryland corporation) and The Western Public Service Company (a Delaware corporation) having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder, regarding the sale of certain assets of said The Western Public Service Company (a Maryland corporation) and related transactions, including the proposed acquisition and retirement by Engineers Public Service Company of its own preferred stock outstanding in the hands of the public by invitation for tenders and by open market purchases; the said applications having heretofore been granted and the declarations having been permitted to become effective except with respect to the declaration regarding the proposed acquisition and retirement by Engineers Public Service Company of its own preferred stock, as to which jurisdiction was reserved;

Hearings having been held with respect to the said declaration after due notice, and the Commission being fully advised in the premises and having this day made and filed its findings and opinion herein;

Now therefore, on the basis of the said findings and opinion and pursuant to sections 11 and 12 of the said Act, *it is hereby ordered*, That said applications as respects the said acquisitions and retirements be and they are hereby denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-2669; Filed, February 17, 1943; 3:09 p. m.]

WAR PRODUCTION BOARD.

AMENDMENT TO REVOCATION OF PREFERENCE RATING

Preference Rating Order P–19–e, Serial No. 370–e. Builder: Kansas State Highway Commission, Topeka, Kansas. Project: Construction of concrete pavement, bridges and grading identified as: 10–99–SNFA 392 F (1).

The revocation of preference rating issued on December 29, 1942, with respect to the above named project is hereby amended by striking paragraph (3) thereof and by substituting the following:

(3) The builder shall neither perform nor permit the performance of any further construction or installation on the project, except for permitted further construction being construction necessary for purposes of safety or health or to avoid undue damage to or deterioration of materials already incorporated and construction necessary to permit installation of hub-guard and hand-rail on bridge (No. 10.5) at Spring Creek, Wabaunsee County, Kansas.

Issued February 17, 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43–2678; Filed, February 17, 1943; 4:54 p. m.]

RESTORATION AND AMENDMENT OF PREFERENCE RATING

Preference Rating Order P–19–h, Serial No. 13391. Builder: The Vulcan Detinning Company, Sewaren, New Jersey. Project: Neville Island (Pittsburgh, Pa.).

The revocation issued January 10, 1943 of the above serially numbered preference rating order is hereby cancelled; the ratings assigned by said preference rating order are hereby restored; and said preference rating orders shall have full force and effect, as hereinafter amended.

The above serially numbered preference rating order is hereby amended to expire on February 28, 1943.

Issued February 17, 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43–2679; Filed, February 17, 1943; 4:54 p. m.]